

## **Access to Information Policy**

### **Policy Number G05**

#### **1 Introduction and General Information**

- 1.1 Clyde Valley Housing Association is a Registered Social Landlord and a Scottish Registered Charity and is committed to operating in a manner that is open and accountable.
- 1.2 It also recognises, however, that it cannot – without potential detriment to the Association and its customers – disclose its confidential, personal and commercially sensitive information. In addition the Association also wishes to ensure that information is handled sensitively and according to best practice.
- 1.3 This policy sets out how Clyde Valley Housing Association will conduct its business in an open and accountable manner whilst, at the same time, ensuring that personal and commercial confidentiality is maintained where appropriate. The success of this policy is likely to rest upon getting the balance right and it is therefore important that all staff and Board fully understand and embrace the principles outlined in this policy.

#### **2 Aims and Objectives**

- 2.1 The Association believes that its customers and any other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially/financially sensitive or personally confidential it will be made available on request. This will include information on:
  - Performance against operational targets.
  - How to become a member of the Board or influence decisions in other ways.
  - Performance Reports (by the Scottish Housing Regulator).
  - Policies and procedures.
  - Details of our registers
  - Non-confidential Board papers and minutes.
- 2.2 The above list is not exhaustive and the Association will action any request for information within a reasonable timescale, unless it is prevented from doing so by the Confidentiality section of this policy. Any requests outwith the list should be authorised by the Chief Executive (or most senior staff member in his/her absence). This policy is complemented by the Association's Statement on Openness and Confidentiality, attached at Appendix One.

#### **3 Principles of the Policy**

- 3.1 The key principles of this policy are that:
  - The Association is accountable to its users and members.
  - The Association conducts its business openly and is seen to do so.
  - Personal, confidential and commercially sensitive information is handled according to best practice and in line with GDPR regulations
  - Information requests will be available.

3.2 The Association, in its wish to operate an open and accountable service, will:

- Ensure that it meets its legal and regulatory obligations.
- Will ensure that it complies with good professional practice.
- Will publish its statements of policy and standards of service, as appropriate.
- Use straightforward and clear language in all communications to customers and ensure that information is available in other languages and in formats other than print.

3.3 The Association also wishes to ensure that, where matters of a personal or confidential nature are under discussion, these will be handled in a manner, which is not prejudicial to those affected.

#### **4 Achieving the Policy Objectives**

4.1 This section outlines the steps, which the Association will take to ensure compliance with this policy.

- i. Performance against operational targets: this will be done annually in the Annual Report, newsletters and website. Quarterly figures will be available on request, with customer complaint and feedback targets published quarterly on the website. The degree to which residents feel that they are kept appropriately informed is explored in our customer satisfaction surveys and customer feedback reports, and the Association takes account of this when considering the appropriate level of detail and frequency of information.
- ii. How to become a Board member or influence decisions in other ways: where there is a vacancy, the Association constantly tries to boost Board membership to the maximum 15. This is addressed by the membership policy. Sometimes residents may wish to influence certain decisions without necessarily joining the Board. This is acknowledged and actively encouraged in the Customer Engagement Strategy.
- iii. Performance audit assessments: following our Scottish Housing Regulator Inspections, we will provide a summary of the inspection report and our action plan in our newsletter/annual report, and advise stakeholders that a full summary and the full report are available on request.
- iv. Regulatory plans – copies of our Regulatory Plans produced by the Scottish Housing Regulator are available to view at [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk).
- v. Policies and procedures: the Association will produce summaries of key policies and procedures and these will be freely available upon request. Any full version will also be made available upon request. Availability of this information is publicised from time to time in our newsletters.
- vi. Non-confidential Board papers and minutes: the Association will display the most recent set of adopted Board minutes (minus any confidential sections) on the Association website. Previous minutes and Board papers will be available to any member upon request, again assuming that these are non-confidential. Where such a request is made, the Association will provide the document(s) within 7 days. Any member will be able to attend a Board meeting as an observer so long as this is notified to the Chief Executive at least 24 hours before the meeting is due to take place (this is to ensure that appropriate arrangements, such as providing papers and adequate seating, can be made). Observers may be asked to leave the meeting if the Chair deems that there are confidential or commercially sensitive items to be discussed.

- vii. Results of the annual external audit: the Association's Management Letter will be available on request. The external auditor and Finance Director will present the audited accounts at the AGM and respond to any questions raised.

## **5 Confidentiality**

5.1 It is not possible to produce a prescriptive and definitive list of all items which are considered confidential. The following, however, are considered confidential and should, at no time, be divulged inappropriately:

- Personal confidentiality of residents and other members of the public will be respected. This means that the names, addresses, details on family composition or economic status (or any other means of identification) of individuals will not be given in Board reports or minutes or in any way divulged to anyone other than staff members, or other professionals, on a "need to know" basis.
- All data records will be kept confidential to the appropriate staff members. No Board member will view an individual's data records. All documents will be retained in accordance with the Association data retention schedule.
- Items adjudged, on an *ad hoc* basis, to be confidential.

5.2 Exceptions to the above are:

- Where a customer or other member of the public complains or appeals to the Association about an issue and a personal representation is being made to the Board/sub-Committee as the final stage in the procedure. In these circumstances, it is impossible to withhold information on the person's identity.
- Where the Association has a legal obligation to provide information to a third party.

## **6 Breaches of Confidentiality**

6.1 Any breach of confidentiality, whether deliberate or inadvertent, will be dealt with seriously by the Association. The circumstances surrounding the breach will, of course, be taken into account. All breaches will be dealt with via the staff and Board disciplinary statements and may result in (i) the staff member(s) being issued with a warning or dismissed or (ii) the Board member(s) being requested to leave the Board.

## **7 Data Protection**

7.1 The Finance & Corporate Services Director has overall responsibility for data protection within the Association, and for ensuring that our notification to the Information Commissioner, and our entry in the Data Protection Register, is accurate and up to date. This Policy links directly into the Access to Information Policy and should be read in conjunction. This Privacy Policy has been updated in accordance with GDPR Regulation as below:

- the General Data Protection Regulation (EU) 2016/679 (the "**GDPR**");
- the Data Protection Act 2018;
- the Privacy and Electronic Communications (EC Directive) Regulations 2003;
- all other applicable EU and UK data protection laws, including those that are made as a consequence of the UK leaving the EU; and

- any legislation or laws that amend the above.

## 8 Corporate Fit

8.1 The degree of compatibility of the Association's Policy and Procedure on Access to Information with other corporate policies, plans and strategies is as follows:-

- *Equalities Policy* – we are committed to ensuring that no tenant is unable to, or discouraged from, understanding and exercising their rights under the data protection legislation because they sometimes find it difficult to fully understand documents produced in regular printed English, therefore we will provide documents upon request in various formats and languages.
- *Complaints Policy* – It is essential that customers are aware of the route to take if they are dissatisfied with any aspect of our customer service and this policy carefully explains the procedure.
- *Openness & Confidentiality Statement* – we are committed to conducting business in an open and accountable manner however, ensuring confidentiality where required.
- *Risk Policy* – this policy seeks to identify and improve on key areas of confidentiality required by legislation in relation to all our stakeholders and minimising risk in this sensitive area.

### *Data Protection Policy*

It is a legal requirement that the Association process data in compliance with the “**Data Protection Law**” which includes:

- the General Data Protection Regulation (EU) 2016/679 (the “**GDPR**”);
- the Data Protection Act 2018;
- the Privacy and Electronic Communications (EC Directive) Regulations 2003;
- all other applicable EU and UK Data Protection Laws, including those that are made as a consequence of the UK leaving the EU; and
- any legislation or laws that amend the above.

As an important piece of legislation to safeguard the rights of individuals in relation to data held about them. The Association retains and processes personal data as necessary to carry out normal business functions.

## **Clyde Valley Housing Association Openness and Confidentiality Statement**

As a not for profit organisation, managed by volunteers for the benefit of the communities we serve, Clyde Valley Housing Association wishes to ensure that our affairs are conducted in a manner which is open and transparent. In meeting our commitment to openness we will make the following information available.

**Register of Members** - available to the public to view on request.

**Annual Accounts** - available to the public on request.

**Annual Report** - issued to all members, tenants as well as relevant stakeholders. The Annual Report is published on our website:

**Newsletters** - provided to all members, owners and tenants, twice each year. Newsletters are also published on our website and are available to view in our office reception area.

**Policy Documents** - policy documents (in summary and in full) are available to the public on request. The Association will also provide summary policy statements in our newsletters from time to time.

**Complaints Policy** - displayed in our office reception areas and on website as well as copies provided on request to the general public as well as those receiving a service from or providing a service to Clyde Valley Housing Association.

**Equalities Policy** - provided to staff, contractors and consultants employed by the Association and available to customers and the general public on request.

**Scottish Housing Regulator Inspection Reports and Regulatory Plans** – following any inspections, the Association will publish (in newsletters and on our website) a summary of the report provided by Scottish Housing Regulator.

**Consultation and Survey Findings** - from time to time the Association will publish (in newsletters and on our website) summaries of findings from surveys and consultation processes.

**Performance Measurement** - annually, the Association will publish (in newsletters/annual report and on our website) details of the Association's performance against peer group and against the organisation's targets. We will also publish our targets for the current year. Quarterly complaints monitoring will be published on the website and twice yearly in newsletters.

**Register of Interests** - the Register of Board Members' Interests will be available to the public at the Association's head office, on request.

**Tenants and Owners Handbook** - handbooks will be provided for all tenants and owners receiving a service from the Association.

**Association Rules** - the Association's Rules will be provided free to every member on joining Clyde Valley Housing Association and will be available to the public to view at the Association's head office, a copy of the rules is also available on the CVHA internet.

**Minutes of Meetings** – non confidential minutes of meetings of the Board of Management of Clyde Valley Housing Association are available on our website.

**Access to Information and Data Protection** – the Association's Policy on Access to Information, which observes the Data Protection Act 2018, explains the kind of information we would normally hold, the rights of individuals to access this information and how to go about doing so. The Policy is available on our staff internet and CVHA internet.

**Alternative Formats and Languages** – the Association will be pleased to arrange for any of our published documents or correspondence to be produced on tape, large print or Braille and arrange for translations where required. Please ask a member of staff should you require this service.

### **Confidentiality**

Clyde Valley recognise that it is inevitable that personal and commercially sensitive information may be acquired by staff in the normal course of their job, and by Board Members in the performance of their role. All such information is acquired on trust and the basic principles of confidentiality will be observed. This means that personal or sensitive information will not be passed on to people who have no right to that information. This rule extends to Staff and Board Members when dealing with matters concerning staff, Board Members or tenants, as well as owners or others receiving a service from the Association. It also extends to consultants, contractors and others who have a commercial relationship with Clyde Valley Housing.