

**Report to:** Management Committee – 14 March 2019

**Prepared by:** Stewart Pattison: Compliance Manager

**Subject:** **Freedom of Information**

---

**1. Introduction**

1.1 The Freedom of Information (Scotland) Act 2002 (FOISA) currently applies to Scottish public authorities listed in Schedule 1 of the FOISA.

1.2 From 11 November 2019 the Act will be extended to Registered Social Landlords (RSLs). The extension to the Act covers 'housing activities' (as defined in the Housing (Scotland) Act 2010).

1.3 The FOISA is also extended to the supply of information by RSLs to the Scottish Housing Regulator (SHR) concerning RSLs financial wellbeing and standards of governance.

**2. What does this mean?**

2.1 By 11 November 2019 the Association must be fully ready to answer requests for information made under freedom of information legislation. Committee will be aware that the Association already went through a significant exercise to ensure compliance with the General Data Protection Regulation (GDPR). The significance of the challenge presented now can be put in context by noting that the GDPR pertained to 'personal information'. The FOISA includes for 'all information'.

**3. What do we need to do?**

3.1 Much of the work done for GDPR compliance is transferrable in that the systems used can be utilised and extended to accommodate FOISA compliance. However, the fact that FOISA is about all information, means that

more work has to be done. Records and project management will be key to successful compliance.

#### 4. Timeline

4.1 As indicated, project management will be a fundamental aspect of ensuring preparedness. The Association’s Compliance Manager attended a workshop ‘Freedom of Information Essentials for RSLs’ on 5 March, 2019. At that event Information Law Solutions, who presented the course, listed what they think are necessary elements to consider and a workable timeline to ensure RSLs are ready.

	Task	Completion Date
1.	Information audit, cataloguing and data cleansing.	31.05.2019
2.	Publication scheme and guide to information, including charging scheme and guide to making requests.	31.07.2019
3.	Policies, procedures and documentation <ul style="list-style-type: none"> <li>• Records Management (Incorporating Data Retention Policy);</li> <li>• Freedom of Information Policy on Request and Review Handling Procedures;</li> <li>• Freedom of Information statement for tender documentation; and</li> <li>• Skeleton template response.</li> </ul>	30.08.2019
4.	Staff training.	30.09.2019

Source: Information Law Solutions. Paraphrased by S. Pattison.

#### 5. Data Protection Officer

5.1 For the GDPR the Association’s named contact as required is our Compliance Manager. When FOISA comes into force it will be necessary for the Association to have a ‘Data Protection Officer’. Consideration will have to be given to how this should be achieved.

5.2 Possible Options:

- in-house Data Protection Officer;
- commission the services of a Data Protection Officer; or
- partner with others for the services of a Data Protection Officer.

5.3 An exercise to consider the cost benefits of options will need to be undertaken. This should be subject to a future report to Committee for consideration.

**6. Recommendation**

6.1 It is recommended that Management Committee note the content of this report.