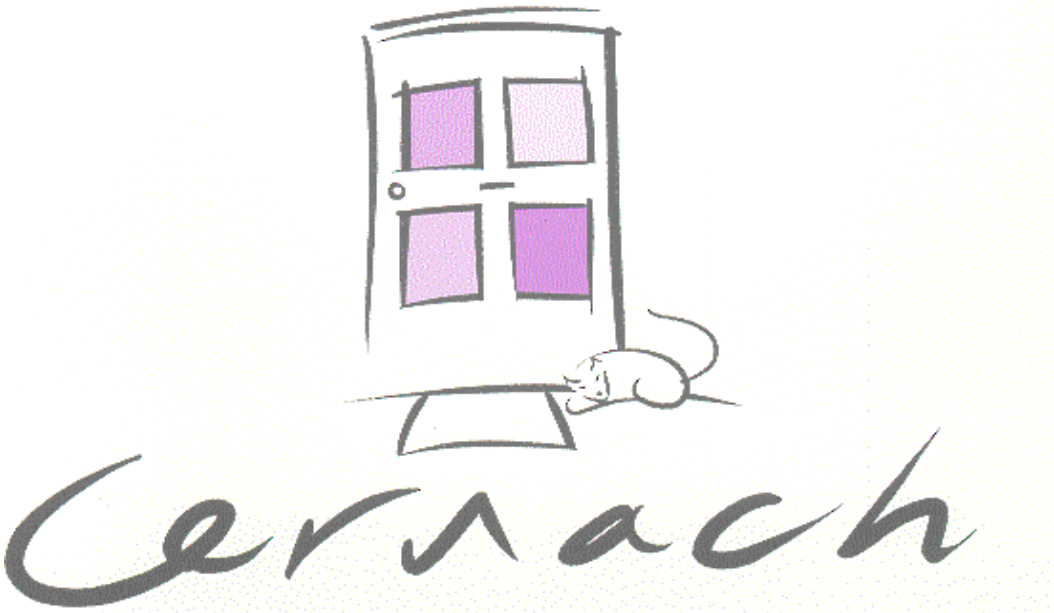

Freedom of Information and Environmental Information policy and procedure

Date Approved by Management Committee:	November 2026
Due for Review:	November 2029

1. Introduction

1.1 Cernach Housing Association is committed to openness, transparency and accountability in the conduct of its business. We recognise that the public has a right, subject to the limited exemptions and exceptions set out in law, to access information it holds.

1.2 This policy sets out Cernach's commitment to meeting its statutory obligations under the Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Information (Scotland) Regulations 2004 ("the EIRs"), and to following the good practice set out in the Section 60 Code of Practice issued by the Scottish Ministers on 25 March 2026 ("the 2026 Code"). The detailed procedure by which this policy is delivered is set out in full at Appendix 1.

1.3 Registered social landlords ("RSL"), are designated as a Scottish public authority under section 5 of FOISA by the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 ("the 2019 Order"), in force from 11 November 2019. Unlike a local authority or the Scottish Government, registered social landlords FOISA duties apply only to specified housing functions, although it is fully covered by the EIRs regardless of function. The application of these regulations is set out further on P6.

2. Scope

2.1 This policy applies to all staff, members, volunteers, contractors and people connect Cernach who create, receive or hold information on the Association's behalf, and to all recorded information held by or on behalf of Cernach, regardless of its format or the system on which it is held (including paper records, corporate IT systems, and, where it relates to business, personal devices and non-corporate messaging platforms). Cernach Housing does not have any subsidiaries; therefore, this policy applies solely to the Association.

2.2 References to "staff" throughout this policy and its procedure should be read as including volunteers undertaking activities on behalf of the Cernach, unless the context makes clear that a provision relates only to paid employees (for example, matters of contractual discipline).

3. Policy Aims

3.1 Cernach will:

- Treat FOI as a core corporate function, properly resourced and supported at senior level;
- Respond to valid requests promptly and within the statutory timescales set out in FOISA and the EIRs;
- Apply a presumption in favour of disclosure, withholding information only where a specific exemption or exception applies and, where required, the public interest favours withholding;
- Provide advice and assistance to requesters at every stage of a request;
- Publish information proactively wherever practicable, in line with the Commissioner's Model Publication Scheme;
- Provide statistics to the Scottish Information Commissioner;
- Ensure staff are trained, supported and aware of their responsibilities under this policy;
- Monitor and report on FOI performance regularly to senior management and the management Committee;
- Handle reviews fairly and independently and co-operate fully with the Scottish Information Commissioner.

4. Roles and Accountability

4.1 Ultimate oversight is held by the Management Committee. Overall accountability for this policy rests with the Senior Information Officer (SIO), an executive-level officer with lead responsibility for FOI across Cernach, in the case of Cernach, this is the Head of Corporate Services. Day-to-day implementation is delegated to the FOI Officer, which is the Corporate Services Officer. Full details of roles and responsibilities are set out in Appendix 1, section 2.

4.2 For the purposes of UK GDPR, Cernach must also appoint a Data Protection Officer (DPO), whose role is distinct from, but should work closely with, the SIO and FOI Officer. Cernach contracts the services of RDGP.

5. Legislative Framework

5.1 This policy operates within, and does not override, the following:

- Freedom of Information (Scotland) Act 2002
- Environmental Information (Scotland) Regulations 2004
- Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations 2004
- Code of Practice on the Discharge of Functions by Scottish Public Authorities (Section 60 Code, March 2026)
- Code of Practice on Records Management by Scottish Public Authorities (Section 61 Code, December 2011)
- UK General Data Protection Regulation, Data Protection Act 2018 and the Data (Use and Access) Act 2025 (where requests involve personal data)
- Equality Act 2010 (where reasonable adjustments to format or communication are required)
- As we are a registered social landlord, the Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019; relates to sections 154 and 165 of the Housing (Scotland) Act 2010 (definition of “housing services” and “registered social landlord”); and the Scottish Housing Regulator's Regulatory Framework and Notifiable Events guidance.

5.2 Related Documents

- Publication Scheme and Guide to Information
- Data Protection Policy
- Retention Policy and Schedule
- Procurement and Contract Management procedures

6. Equality and human rights

6.1 The Association's equality and human rights policy, which was approved by the Committee in April 2025, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

6.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed. The impact assessment for this policy is contained at the end of this policy.

7. Monitoring and Review

7.1 This policy and its accompanying procedure will be reviewed at least every three years, or sooner where there is a change in legislation, the Section 60/61 Codes, or Commissioner guidance, or where performance monitoring identifies a need for review.

8. Breaches of this Policy

8.1 Failure to follow this policy and the associated procedure may result in Cernach failing to meet its statutory obligations, reputational harm, and intervention by the Scottish Information Commissioner, including practice recommendations or enforcement notices. Staff who are uncertain how to apply this policy should seek advice from the FOI Officer in the first instance.

Appendix 1: FOI/EIR Procedure

1. Purpose and Status

This procedure sets out how Cernach Housing Association ("the Authority") will discharge its statutory duties under the Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Information (Scotland) Regulations 2004 ("the EIRs"). It reflects the requirements of the Section 60 Code of Practice issued by the Scottish Ministers on 25 March 2026 ("the 2026 Code"), which supersedes the December 2016 Code and sets out the practice Ministers consider desirable for Scottish public authorities in discharging their functions under these regimes.

Throughout this document, “the regimes” refers collectively to FOISA and the EIRs, and “FOI” refers to both regimes together unless otherwise stated.

The Authority is expected to adhere to the 2026 Code unless there are good reasons not to, which must be capable of being justified to the Scottish Information Commissioner (“the Commissioner”). Where the Commissioner considers the Authority is failing to take account of the Code, the Commissioner may issue a practice recommendation. *This procedure should be read alongside the Guide to Information, and the section 61 Code of Practice on Records Management.*

Application to Registered Social Landlords

- For Cernach, FOISA coverage is limited to specified functions, not the whole organisation. Under the 2019 Order, the Authority's FOISA duties apply only to: (a) the prevention and alleviation of homelessness; (b) the management of housing accommodation let under a Scottish secure tenancy or short Scottish secure tenancy; and (c) the supply of information to the Scottish Housing Regulator (SHR) relating to the Authority's financial well-being and standards of governance. Activities such as factoring, mid-market rent, shared ownership, private rented accommodation, and care or support services fall outside FOISA and a request relating only to those activities should be refused as not relating to a designated function, rather than handled as if it were in scope.
- **The EIRs apply in full, regardless of function.** Unlike FOISA, the Authority's coverage under the EIRs is not limited to the functions listed above. Any environmental information held by the Authority, whatever activity it relates to (including factoring, development, or estate management more broadly), is in scope of the EIRs. Staff should not assume that a request falls outside FOI simply because it concerns an out-of-scope housing function — the request should always also be considered against the EIRs.

- **Plan for FOI when creating information.** Because coverage depends on function rather than on the whole organisation, it is good practice for staff to identify, at the point information is created or filed, whether it relates to a designated housing function, an excluded function, or environmental information, so that scope can be assessed quickly and consistently when a request is received.
- **Dual regulatory reporting.** In addition to its obligations to the Commissioner, the Authority remains separately accountable to the Scottish Housing Regulator under its Regulatory Framework, including notifiable events. FOI performance and significant FOI-related governance issues (for example, a Commissioner intervention) should be considered for report to the Management Committee and, where the SHR's notifiable events criteria are met, notified to the SHR.

2. Roles and Responsibilities

Organisational responsibility

- FOI is recognised as a specific statutory corporate function and is resourced accordingly at strategic and operational levels.
- The Authority maintains a published FOI policy statement, available online, which defines roles and responsibilities and is reviewed periodically.
- FOI performance is monitored and reported to senior management on a regular basis, including any issues with statutory timescales.
- Robust and proportionate systems are maintained to log, track and monitor all requests received.

Senior Information Officer (“SIO”)- Head of Corpoate Services

A designated, executive-level senior member of staff holds lead responsibility for FOI across the Authority. The SIO is accountable for the Authority's overall performance under both regimes, including the duties to respond to requests, publish information proactively, and provide advice and assistance. The SIO ensures procedures are embedded, staff are trained, and an escalation route exists for cases at risk of missing the statutory deadline.

FOI Officer / day-to-day lead- Corpoate Service Officer

A designated member of staff (the “FOI Officer”) is responsible for day-to-day implementation, including:

- Ensuring day-to-day compliance with statutory responsibilities;
- Logging, allocating and tracking requests;

- Advising colleagues on FOI compliance and conducting internal assessments/audits;
- Provides statistics as required to the Scottish Information Commissioner;
- Acting as day-to-day contact point for the Commissioner;
- Supporting compliance with proactive publication duties;
- Training staff and raising awareness;
- Reporting performance to the SIO and senior management.

Staff

As a minimum, all staff must be able to:

- Recognise a request for information, however and wherever it is received (including via social media, email to an individual, or within other correspondence such as a complaint);
- Forward requests promptly to the FOI Officer or correct handler;
- Explain to a member of the public how to make a request;
- Understand the duty to advise and assist requesters;
- Undertake reasonable and proportionate searches when asked to support a response, across digital systems, paper records and, where relevant, portable devices and non-corporate communication channels used for Authority business.
- This applies equally to anyone who handles Authority information — regardless of whether they hold a formal job title or contract of employment.

Training and contingency

- Basic FOI awareness training is provided to all staff and volunteers; enhanced training is provided to those handling requests, conducting reviews, or providing cover during absence.
- FOI awareness is built into volunteer induction and ongoing volunteer training, proportionate to the nature of the role and the extent of any contact with recorded information or members of the public.
- Training is refreshed regularly and supplemented with ad-hoc sessions as needed.
- A dedicated FOI/enquiries mailbox is monitored daily. Arrangements are in place so that staff absence does not cause statutory deadlines to be missed.

3. Recording, Monitoring and Reporting

The Authority records, as a minimum:

- The number of requests and review requests received, and whether handled under FOISA or the EIRs;
- The proportion answered within statutory timescales, and time taken to close overdue cases;
- The number of refusals and the reasons given;
- The number of occasions a fee was charged;
- Review outcomes (upheld / partially upheld / overturned / failure to respond);
- appeals to the Commissioner and their outcomes.

This data supports the Authority's quarterly statistical return to the Commissioner and is reported to senior management regularly to identify performance issues and recurring subject matter suitable for proactive publication.

4. Proactive Publication

The Authority maintains a Publication Scheme based on the Commissioner's Model Publication Scheme (MPS) and Guide to Information, covering as a minimum:

- its functions, decision-making processes and performance;
- its finances, including funding, procurement and contract awards.

The scheme is reviewed regularly and updated to include, where relevant: information frequently requested; information on forthcoming or recent decisions; matters of significant public interest; and a disclosure log of information released in response to requests.

The legal duty to publish under FOISA extends only to information relating to its designated housing functions (see Application to Registered Social Landlords). Having regard to the public interest considerations in section 23(3) of FOISA, an RSL which publishes information on those functions will meet the FOISA publication duty, although it may choose to publish more widely. Separately, and regardless of function, the Authority should ensure that environmental information within the scope of regulation 4 of the EIRs is actively disseminated.

- Third parties whose information the Authority intends to publish are notified before and at the point of publication.
- Environmental information is included within the Publication Scheme; the Authority also actively disseminates environmental information in line with regulation 4 of the EIRs and publishes its schedule of charges.

- The Commissioner is notified before information is removed from the scheme or charging arrangements change.
- Published information is easy to find (search function, site map or index) and alternative formats are offered to those who cannot access it online.

5. Receiving and Validating Requests

Guidance for the public

Clear, accessible guidance on how to make a request, and what happens next, is published on Cernach's Website and the Guide to Information, including contact details, a telephone contact for advice where possible, the charging regime, and a link to the Commissioner's guidance for requesters.

A request received by any member of staff is a request received by the Authority, regardless of whether a central contact point has been designated.

What makes a request valid

Requirement	FOISA	EIRs
Form of request	Must be in writing or other recordable form	May be made verbally (including unrecorded)
Requester's name	Full name, or initial/title + surname, required (pseudonyms are invalid)	Not a statutory requirement, but a means of replying is needed
Description of information sought	Must describe the information reasonably clearly	Same standard applies
Transfer between authorities	Not possible – requester must make a new request	Authority may transfer the request to the body that holds it, with the requester's consent

> ***Note:*** *Where information is partly environmental and partly not, the response will consider each element under the correct regime and explains this clearly to the requester.*

Requests via social media, telephone, video call, in person, or voicemail

- Official social media accounts (e.g. X, Facebook, Instagram, LinkedIn, YouTube, Flickr, blogs) are monitored daily, or notifications enabled, as they may carry valid requests.
- A social media request is valid if it gives the requester's name (or initial/title and surname), a means of responding in writing, and a clear description of the information sought.
- Verbal requests for non-environmental information are not valid under FOISA; staff should offer to take a note of the request with the requester's express agreement, share the recorded terms with the requester for confirmation, and retain a written record of that confirmation.

- A verbal request for environmental information is always valid under the EIRs, whether or not it is recorded.
- A request recorded as a voicemail is valid for FOISA purposes only if the system permits permanent storage and the requester gives name and contact address; for environmental information it is valid regardless.
- Staff must watch for requests embedded within other correspondence, such as complaints, and route these for handling under the correct regime.

Requests made using AI tools

Requesters are entitled to use AI tools to construct or submit requests, and this is not in itself grounds for refusal. Where there are good grounds to consider AI tools are being used to generate requests intended to cause significant disruption, the Authority may consider this under the vexatious request provisions (section 14(1) FOISA), applied only where clearly justified.

Requester-blind handling and third-party requests

Requests are handled on a “requester-blind” basis: the identity of the requester is not material except where relevant – for example, requests for the requester's own personal data, consideration of whether information is otherwise accessible to that requester, or consideration of vexatious/repeated (FOISA) or manifestly unreasonable (EIR) requests. Internal dissemination of a requester's identity is minimised.

Where a request is made by a third party on behalf of another person, the request must name the “true requester”; if it does not, the Authority will provide advice and assistance to enable a valid request to be made.

Acknowledgement and communication with the requester

- Receipt is acknowledged, identifying who is handling the request and the expected response date.
- Where a delay is anticipated, the requester is given an apology and an estimated response date. Statutory deadlines remain absolute regardless of any apology, and the requester retains the right to seek a review for failure to respond within 20 working days.
- Extensions under the EIRs (up to 40 working days where information is both voluminous and complex) are notified to the requester within the original 20-day deadline, with reasons given and the right to seek a review of the extension decision.

6. Advice and Assistance, Clarification and Fees

Advice and assistance

Advice and assistance is offered at every stage: before a request is made, while it is clarified or handled, and when the response is issued. Requests for copies of a specific document (report, minute, contract) are treated as requests for the information it contains, not refused purely because they reference a document.

Advice is tailored to the requester, adjusting language and approach to their circumstances, and is provided without giving the impression a requester must explain their motive.

Seeking clarification

- Formal clarification under section 1(3) FOISA / regulation 9 EIRs is sought only where genuinely needed to identify and locate the information, and as soon as that need is identified — the 20-day clock pauses only from the point clarification is requested and resumes when it is received.
- Internal checks are made before seeking clarification, to avoid unnecessary requests to the requester.
- If no clarification is received, the requester is reminded after approximately 20 working days; if none is received after 40 working days, the case is closed and the requester is told of their review/appeal rights.
- Where sufficient clarification cannot be obtained despite reasonable assistance, the Authority is not required to proceed but must explain why and signpost review and appeal rights.

Fees

	FOISA	EIRs
Basis for charging	Direct/indirect costs of locating, retrieving and providing information, per the Fees Regulations	A “reasonable amount” not exceeding actual cost of production
Staff time rate	Capped at £15/hour regardless of actual salary	No equivalent statutory cap; reasonableness applies
Free allowance / cap	First £100 free; 10% of remainder up to £600 upper cost limit (max fee £50)	No lower limit; no equivalent upper cap, but charges must not deter exercise of EIR rights (Aarhus Convention)
Excluded costs	Determining whether information is held, deciding on disclosure, and time spent deciding redactions (actual redaction work may be charged)	Same exclusions apply

- A fees notice is issued within the 20-day deadline, with a reasonable estimate of cost, the requester's right to seek a review of the charge, and how the fee was calculated (recorded for later reference).
- The clock pauses on issue of the fees notice and resumes (for the remaining days) once payment is received. Payment must be made within 3 months (FOISA) / 60 working days (EIRs) or the obligation to provide the information lapses.
- If no response is received to a fees notice after- 20 working days, the requester is reminded; after 40 working days the right to review the fee lapses and the case is closed (though it must be reopened, with review rights restored, if payment is later made within the 3-month/60-day limit).

7. Locating and Retrieving Information

Records management follows the section 61 Code of Practice and, where applicable, the Public Records (Scotland) Act 2011 records management plan.

- Searches are proportionate, but cover all relevant systems — paper and electronic, corporate platforms, and any other system on which Authority business information may be held.
- Information relating to Authority business is held by the Authority for FOI purposes wherever it sits, including officers' notes, temporary records, and business-related content on portable devices or non-corporate platforms (private email, text messages, WhatsApp, Messenger, Signal, etc.), whether on Authority-issued or personal devices. This includes information created or held by volunteers in connection with their role, for example informal notes, rotas, or messages in volunteer group chats relating to Authority activities.
- A record is kept, wherever possible, of who searched which systems, together with the rationale for key decisions and any discussions with requesters or third parties — this supports later reviews and Commissioner appeals.
- Internal confidentiality markings are not in themselves a reason to withhold information; each request is considered on its merits against the statutory exemptions/exceptions.

8. Consulting Third Parties

- Third parties supplying information are made aware, in advance, that disclosure may be required on request unless an exemption/exception applies, and that they cannot veto disclosure — the decision rests with the Authority.
- Consultation is generally appropriate where a third party's interest is significant, or where their views will help determine whether an exemption/exception or the public interest test applies.
- Consultation is generally unnecessary where the Authority already has evidence of the impact of disclosure, where third-party views cannot affect the outcome, where consultation would be disproportionate (e.g. very large numbers of third parties, in which case a representative sample or representative body may be consulted), or where an earlier consultation on the same information remains current.
- Meeting the statutory deadline always takes priority over consultation; if there is insufficient time to consult, the Authority notifies the third party at the same time as it responds to the requester rather than delaying the response.

- Third parties are asked for a specific, current, realistic assessment of harm from disclosure — general or non-specific assertions of harm carry little weight.
- A requester's identity is not disclosed to third parties (it is personal data) unless consent is given or the request was made in public.
- Where a decision is made to release information, the Authority may, as a courtesy and without delaying the statutory response, notify third parties with a material interest.

9. Contracts and Procurement Information

In handling and proactively publishing contractual and procurement information, the Authority balances:

1. Transparency in the use of public funds – how much is spent, with whom, on what, and what assessments (cost-benefit, carbon, equality, sustainability, privacy impact) have been carried out, particularly for long-term or high-value contracts.
2. Demonstrable diligence in managing contractors – evidence that project management, monitoring and intervention are happening where needed.
3. Respecting legitimate commercial interests – appropriate use of the section 33(1)(b) FOISA exemption or the EIR commercial-interests'/confidentiality exceptions, applied only where substantial prejudice can genuinely be demonstrated.

- Bidders and suppliers are told, during procurement, that information cannot be treated as confidential unless genuinely sensitive, and that confidentiality markings carry limited weight on their own.
- Bidders are invited to identify genuinely sensitive material and the period for which sensitivity is expected to last; the Authority is not bound by this but uses it to inform later disclosure decisions and consults the bidder if relevant information is later requested within that period.
- Contracts include disclosure provisions addressing how requests for contract information (including from contractors designated as public authorities, or undertaking EIR-relevant functions) will be handled.
- Older contracts predating any sensitivity discussion are treated with particular care, and consultation is generally appropriate.
- Information relating to high-value, long-term or high-profile contracts (including PPP arrangements) is proactively published in line with the Model Publication Scheme, rather than awaiting individual requests.
- Where a contractor delivers a service that forms part of the Authority's own functions, information about that service may be "held" by the Authority for FOI

purposes, and the Authority will obtain it from the contractor as needed to respond.

10. Responding to Requests

Timescales

Requests are answered promptly and, in any case, within 20 working days (sections 10(1) and 21(1) FOISA). The Authority avoids a culture of issuing all responses on or around day 20, which increases the risk of late responses when internal deadlines slip.

Possible outcomes

Outcome	Key procedural points
Information provided	Issued in the requester's preferred format where reasonably practicable; format not changed if already held in the format requested; care taken to avoid inadvertent data breaches (thorough redaction; checking spreadsheets for hidden sheets/cells/pivot data).
Information not held	Formal notice under section 17 FOISA or regulation 10(4)(a) EIRs, explaining why; signpost related information or another authority believed to hold it, with the requester's consent sought before any transfer under the EIRs.
Excessive cost (FOISA £600 limit) / manifestly unreasonable burden (EIRs)	Authority is not obliged to comply; a cost estimate is prepared and retained; clear, specific advice is given on how a narrower request could fall within the limit.
Otherwise accessible (s.25 FOISA / reg.6(1)(b) EIRs)	Refusal notice confirms the information is held, cites the exemption/exception, and signposts exactly how/where to access it (working links checked at time of response).
Intended for future publication (s.27 FOISA, FOISA only)	Refusal notice gives the intended publication date; if publication is delayed, the requester is told the reason and any revised date; a late review may be appropriate if delay undermines the original justification.
Exemption/exception applied (other grounds)	Refusal notice sets out the specific exemption/exception, the public interest test where applicable, and review/appeal rights.

Relationship between FOISA and the EIRs (section 39(2))

Where information is environmental, the Authority will generally apply the section 39(2) FOISA exemption to consider the request under the EIRs alone, explaining in the response that: the information is environmental; section 39(2) has been applied; the Authority considers it in the public interest to consider it under one regime only (without needing to set out detailed reasoning); and the requester may seek a review of that decision.

Quality assurance and use of AI in preparing responses

- Responses are checked for accuracy and consistency before issue, proportionate to the complexity and sensitivity of the request, without causing avoidable delay.
- AI tools may support drafting or research but cannot replace human judgement; a named, accountable individual takes the substantive decision on every response.

Templates, plain English, copyright and equality considerations

- Standard templates are used for responses and reviews, ensuring statutory rights are always included, and exemptions/exceptions (including the public interest test) are applied consistently.
- Responses favour plain English; technical or legal language is avoided or explained, and approach is adjusted for requesters who may need additional support, including children (whose right to information carries equal weight to that of adults, per the UNCRC obligations, while response style may be adapted to their age).
- Where third-party copyright material is disclosed, a brief, plain-English note explains this is included only where relevant — not as standard wording in every response.
- Reasonable adjustments are considered under the Equality Act 2010, including alternative formats (e.g. audio) where reasonably practicable.

Review and appeal rights in the response

- Every response (other than where all information is disclosed in full, where it remains good practice) sets out: the right to request a review within 40 working days, how to do so, and that the requester must explain their dissatisfaction; and the right, if still dissatisfied, to appeal to the Commissioner within 6 months, with contact details or a link provided.
- “Business as usual” requests — simple, fully met on time, unlikely to cause dissatisfaction — may omit full review-procedure detail; any response not meeting all three conditions must include it in full.

- Where a full statutory response cannot be delivered via the social media channel used to make the request (e.g. character limits), the Authority links to a full response on its website or asks for an email/postal address to send the complete response and any information.

11. Handling Requests for Review

- A review request is made to the Authority, not to an individual officer, and any member of staff receiving one must ensure it is recognised and progressed.
- A review requested before the original deadline has passed (and before a response has issued) is not valid; the requester is told the original response is still due and advised they may request a review afterwards if still dissatisfied.
- Correspondence expressing dissatisfaction with a response is treated as a valid review request once it explains why the requester is dissatisfied — the word “review” need not be used. If the reason for dissatisfaction is unclear, advice and assistance is given to help make a valid review request, and the clock does not start until a valid request is received.
- Reviews are conducted by someone who did not deal with the original request, wherever practicable, and take a fresh, fair and impartial look at the request — confirming, modifying or substituting the original decision as appropriate.
- The Authority records the review process and produces a review report, including lessons learned, with periodic reporting of trends and recommendations to senior management.
- Where the Authority accepts it failed to respond on time, the review response apologises, provides the substantive decision, identifies the cause of the failure and any preventative action, and sets out appeal rights — there is no further internal review stage for this type of failure.
- Every review outcome includes full details of the right to appeal to the Commissioner within 6 months, including postal address, phone number, email address and (ideally) a link to the appeals pages.

12. Appeals to the Scottish Information Commissioner

Where the Commissioner accepts an appeal, the Authority will normally have a single opportunity to make submissions and should ensure these are as complete and robust as possible. Good practice includes:

- Providing the withheld information to the Commissioner within the requested timescale, with documents individually numbered and exemptions/exceptions clearly mapped to each item;
- Giving specific, case-related reasoning for each exemption/exception relied on, including the public interest balance — the burden of proof rests with the Authority, and generic reasoning is unlikely to succeed;
- Identifying what has already been disclosed, and (for cost-based refusals) providing the cost estimate, including any sampling exercise;
- Retaining and providing records of searches carried out throughout the handling of the request;
- Disclosing any newly discovered information to the requester (and informing the Commissioner) immediately, or explaining to both why it will not be released;
- Considering at every stage whether the case can be resolved, including through partial or full disclosure, particularly where circumstances have changed since the original request.

13. Commissioner Interventions

Where the Commissioner opens an intervention into the Authority's FOI/EIR practice, the Authority will cooperate fully, respond promptly to requests for information, and work constructively to resolve the issues identified. Failure to engage appropriately may result in formal practice recommendations or enforcement notices.

Annex A: Standard Request-Handling Timeline

Stage	Standard timescale
Acknowledge receipt	As soon as practicable; promptly notify the handler
Substantive response (FOISA and EIRs)	20 working days from receipt (clock pauses while clarification or a fee is outstanding)
Extension for voluminous/complex environmental information (EIRs only)	Up to 40 working days, requester informed within the original 20 days with reasons
Request for review	Must be made within 40 working days of the response
Authority's response to a review	20 working days (best practice: respond promptly within this limit)
Appeal to the Commissioner	Within 6 months of the review response (or of the original response where review is not required, e.g. failure-to-respond cases)
Fee payment window	3 months (FOISA) / 60 working days (EIRs) from the fees notice

Annex B: Mandatory Sign-Off Checklist for Staff Handling a Request

This checklist must be completed in full for every request handled under FOISA and/or the EIRs. It must be signed off by a nominated reviewer (normally the FOI Officer, or the SIO for complex, sensitive or high-profile cases) before the response is issued and retained with the case file for the period set out in the Authority's Records Management Plan. Any item marked "N-A" should be briefly justified in the comments field of the sign-off section below.

Each item below must be marked Y (confirmed), N (not satisfied / action needed) or N-A (not applicable to this request) before the case is closed.

Action / Check	Confirmed (Y / N / N-A)	Initials & Date
Before going further, check whether the request relates to a designated FOISA housing function (homelessness, Scottish/short Scottish secure tenancy management, or information supplied to the SHR on financial well-being/governance), to environmental information (always in scope under the EIRs), or to an excluded activity such as factoring, mid-market rent or care/support (out of scope unless environmental).		
Is this actually a request for information? (Check email, letters, social media, voicemail, and content embedded in other correspondence such as complaints.)		
Is it valid? FOISA: in writing/recordable form, with the requester's full name (or initial/title + surname). EIRs: may be verbal; a means of reply is still needed.		
Log the request and confirm the 20-working-day deadline; acknowledge receipt.		
Is the request clear enough to act on? If not, seek clarification promptly, providing advice and assistance — the clock pauses until clarification is received.		
Will responding cost more than the limit (£600 FOISA) or impose a manifestly unreasonable burden (EIRs)? If so, consider a fees notice or refusal with advice on narrowing the request.		
Search all relevant systems proportionately — paper, electronic, corporate and (where relevant) personal devices/non-corporate messaging used for Authority business. Record what was searched.		
Does the Authority hold the information? If not, consider section 17 FOISA / regulation 10(4)(a) EIRs and whether another authority holds it.		

Is any of the information environmental? If so, consider whether section 39(2) FOISA should be applied to handle it under the EIRs alone.		
Does any exemption/exception apply? If so, is it absolute or does the public interest test need to be considered? Consult third parties only where genuinely needed.		
Draft the response in plain English, using the Authority's template, including full review and appeal rights (unless it is a straightforward "business as usual" disclosure in full).		
Quality-check the response, including redaction integrity and hidden data in spreadsheets, before issue.		
Record the decision, the rationale, and any third-party consultation for future reference.		

Sign-off

By signing below, the reviewer confirms that each item in this checklist has been checked and, to the best of their knowledge, is accurate and complete, and that the response is ready to issue (or that any outstanding action has been identified and assigned).

Request reference / case number	
Completed by (name and role)	
Date completed	
Reviewed and signed off by (name and role) — must not be the same person who handled the request, where practicable	
Date reviewed / signed off	
Comments / exceptions noted on review	

Cernach Housing Association Equality Impact Assessment Tool			
Name of the **policy / proposal** to be assessed	FOI and EIR policy	Is this a **new policy / proposal or a revision**?	Revision
Person(s) responsible for the assessment	Lindsay Crawford		
1. Briefly describe the **aims, objectives and purpose** of the policy / proposal	To outline the Association's approach and commitment to responding to FOI/EIR requests		
2. Who is intended to benefit from the policy / proposal? *(e.g. applicants, tenants, staff, contractors)*	Requesters, staff, Management Committee.		
3. What **outcomes** are **wanted** from this policy / proposal ? *(e.g. the benefits to customers)*	To fulfil our legislative duties under FOISA, EIR legislation and best practice guidance.		

4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

☐ Age ☐ Disability ☐ Marriage & Civil Partnership ☐ Pregnancy/Maternity ☐ Race
☐ Religion or Belief ☐ Gender ☐ Gender Reassignment ☐ Sexual Orientation

5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

6. Describe the **likely positive or negative impact(s)** the policy / proposal could have on the groups identified in part 4	**Positive impact(s)**	**Negative impact(s)**
7. What **actions** are **required** to address the impacts arising from this assessment? *(This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).*		

Signed: *L Crawford* Job title: Corporate Services Officer, Date completed: August 2026