

## ELHA POLICY

<b>Date Issued</b>	<b>21 June 2001</b>
<b>Date of Last Review</b>	<b>May 2023</b>
<b>Department</b>	Management
<b>Title</b>	<b>Openness &amp; Confidentiality</b>
<b>Responsible</b>	Chief Executive
<b>Next Review Date</b>	<b>February 2027</b>

This policy should be read in conjunction with our Privacy Policy and our Freedom of Information Policy.

## 1.0 BACKGROUND

- 1.1 We produce and receive confidential information for a variety of reasons and from a variety of sources.
- 1.2 The information we produce in the course of our business uses both internal and external information. Some of the information is commercially sensitive, but much of it can be, and is, made publicly available.
- 1.3 We recognise that with public accountability comes openness. This ensures that the members and tenants have access to information about **their** Association.
- 1.4 We can generally make collective information about the Association publicly available.
- 1.5 We hold personal information which we treat confidentially, in accordance with the Data Protection Act 2018.
- 1.6 The purpose of this policy is to identify where and what information should be:
  - a) publicly available
  - b) provided on request
  - c) confidentialand how such information will be provided
- 1.7 This policy ensures that we comply with the Scottish Housing Regulator's Regulatory Standard 2.1:

The RSL gives tenants, service users and other stakeholders information that meets their needs about the RSL, its services, its performance and its future plans.

## 2.0 OPENNESS and CONFIDENTIALITY

2.1 We need to gather and use certain information about individuals. These can include customers (tenants, factored owners, service users etc.), employees and other individuals that we have a relationship with. We manage a significant amount of data, from a variety of sources. This data contains Personal Data and Sensitive Personal Data (known as Special Categories of Personal Data under GDPR).

For more information on secure and safe data management, processing and storage, see the Privacy Policy.

## 3.0 ACCESSING CONFIDENTIAL INFORMATION

3.1 As far as possible, forms and letters requesting or requiring information by the Association will state:

- a) that the information will be kept confidential
- b) who might see the information
- c) what the information will be used for
- d) that written permission to seek information is required

3.2 Under the Freedom of Information (Scotland) Act 2002 ('FOISA') and the Environmental Information (Scotland) Regulations 2004 ('EIR') we have a general obligation to allow the public access to information that we hold.

We are committed to the underlying principles of openness and transparency underpinning FOISA and EIR and complying fully with the requirements of this legislation

For more information on how to deal with requests for information about data that may be held by us, see the Freedom of Information Policy.

3.3 The Senior Management Team has the authority to open or inspect all correspondence addressed to the Association. Mail which is marked "private, personal, confidential" or similar will be passed to the addressee or, in their absence, to a member of the Senior Management Team for opening.

3.4 Our Terms and Conditions of service and/or engagement state that information must be treated confidentially. Any breaches will be subject to our disciplinary procedures.

- 3.5 The information we hold on employees will be kept secure. The Chief Executive, Senior Management Team and Executive Support Officer and Assistant will have access to this information. Employees may access their own individual file on request to their Line Manager.
- 3.6 We keep tenants' files secure. Tenants have the right to access the information we hold about them via their 'My Home' account or by making a subject access request. Tenants' access to 'My Home' is restricted to their own individual account. All staff have access to tenant files for work purposes, subject to the conditions of 4.3 above.
- 3.7 We reserve the right under the Regulation of Investigatory Powers Act 2000 to monitor employee communications.
- 3.8 We also reserve the right to charge a fee for access to information in accordance with the relevant legislation. Where fees apply to accessing information, we will publish our charging policy on our website.

#### **4.0 RETENTION OF FILES**

- 4.1 We have defined time limits for retaining files, and for discarding those files considered to be obsolete. These timescales are detailed in our Data Retention Schedule.
- 4.2 If we consider any confidential information to be no longer required, we will discard it securely using a professional company. The Annual Certificate of Destruction is issued every January and is held by the Corporate Services Manager.

#### **5.0 MONITORING AND REVIEW**

- 5.1 The Chief Executive is responsible for ensuring that we comply with all current legislation etc. relating to confidentiality of information.
- 5.2 The Chief Executive will ensure that this policy is reviewed by the Management Committee at least every five years.