



## **Calway Housing Association Ltd Openness and Confidentiality Policy**

**Approved: 5 December 2019**

**Review: December 2024**

## Introduction

***“Calvay Housing Association believes that policies, systems and procedures, which promote openness are an essential element in democratic and accountable organisations.”***

This policy sets out how the 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 will rest upon getting the balance right and it is therefore important that all staff and Committee fully understand and embrace the principles contained in this policy.

The areas covered by this policy are:

- The Policy Aims and Objectives
- Achieving the Policy Objectives
- Confidentiality
- Breaches of Confidentiality
- Review Period

## **Aims and Objectives**

The Association believes that its members, tenants, sharing owners and other interested parties should have access to information on how it conducts itself. This is reinforced by the recent requirement for all Registered Social Landlords in Scotland to adhere to the Freedom of Information (Scotland) Act 2002 and the General Data Protection Regulations introduced in 2018. This means that unless the information that is requested is considered to be commercially sensitive or personally confidential it will be published on the Association's website or made available on request. This will include information on:

- Performance against operational targets
- How to become a member of the Committee or how to influence decisions in other ways.
- Performance Audit assessments
- Policies and Procedures
- Tenant Satisfaction Surveys
- Non confidential committee papers and minutes
- Attending non confidential decision making meetings of the Committee
- Results of the annual external audit process
- Access to personal information by members, tenants, sharing owners and other interested parties

The above list is not intended to be exhaustive and the Association will action any request for information within a reasonable timescale (or in cases of Freedom of Information or Subject Access Requests, within the timescales prescribed by FoI/GDPR), unless it is prevented from doing so by the Confidentiality section of this policy. Any requests for information not included in the above list will be authorised by the Director or most senior staff member in his absence.

## **Achieving the Policy Objectives**

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

### **1 Performance Against Operational Targets**

- The Business Plan will be the Association's main target setting document.

- The Annual Report to Association Members, also copied to all tenants, will provide the main details of overall performance against broad targets in an easily understood abbreviated format.
- Regular Newsletters will provide details of day to day performance and general information.
- The main policy documents of the Association, copies of current and past newsletters, annual reports and items out for public consultation are published on the Website.
- Performance against targets and or budgets will be reported at subcommittee meetings in accordance with the Association's meeting cycle.

The degree to which tenants feel that they are kept appropriately informed and the methods of the delivery of such information, will be explored in the regular tenant satisfaction surveys. If results indicate a need for further information being made available then the Association will respond accordingly.

## **2 How to become a Committee Member or Influence Decisions in Other Ways**

The Association will actively encourage take up of Committee Membership up to the maximum of 15 persons. The existence of vacancies on the committee will be advertised at the Association's AGM and throughout the year in the newsletter, in the office, at any general meetings and through its membership policy.

The Association believes that sometimes residents may wish to influence decisions or voice their opinions on certain subjects without necessarily joining the committee. This is acknowledged and actively encouraged in the Association's tenant participation policy. Examples of this may be:

- New building projects
- Streetscape works or other environmental projects
- Policy development
- Introduction of new services or changes to services
- Estate management issues

## **3 Performance Audit Assessments**

The findings of any performance audit by the Scottish Housing Regulator will be reported at the Association's Annual General Meeting and contained in the annual report. A summary of the findings will also be published in the newsletter. The full report minus any confidential section will be available on the website.

#### **4 Policies and Procedures**

The Association will make all key policies and procedures available on its website. The availability of this information will be advertised from time to time in the newsletters and reports of the Association. The Association will normally make no charge for the reproduction and supply of individual copies of any policy or procedure document, however charges may be levied in line with its Charging Schedule (for FoI/Subject Access requests).

#### **5 Tenant or Resident Satisfaction Surveys**

The Association will publish the keys facts obtained from any satisfaction survey undertaken in the regular newsletter. The full survey results will be published on the website.

#### **6 Non Confidential Committee Papers and Minutes**

Committee Minutes and papers, minus any confidential sections will be published on the Association's website.

#### **7 Attending Non Confidential Decision Making Meetings of the Committee**

In the spirit of true openness the Association will allow, on request, the attendance of members or other interested parties at Committee Meetings where there would be no possibility of a breach of confidentiality. Where such a request is made the Association will confirm whether the individual can attend their chosen meeting or not at least 24 hours prior to the meeting taking place. Attendance at meetings under request will be on an observation basis only and attendees will be required to sign an Observer Confidentiality Agreement.

#### **8 Results of the External Audit Process**

The external auditor will present the results of the audit report to the Management Committee of the Association. The external auditor will present the audited accounts to the membership at the Annual General Meeting and respond to any questions raised by the membership.

#### **9 Access to Personal Information by Members, Tenants, Sharing Owners and Other Interested Parties**

The General Data Protection Regulations 2018 give individuals rights to see personal information about themselves, which may be held by the Association on computer and/or paper.

Subject Access Requests can be made verbally or in writing. Information will be provided, where appropriate, within the timescale prescribed under the General Data Protection Regulations 2018, currently one calendar month from receipt of the request.

There may be instances where requests to provide certain information will be refused. In these instances the reason for the refusal will be provided in writing.

If any information held on file is inaccurate, the individual concerned is entitled to have it corrected or removed. Information is inaccurate if it is incorrect or misleading in any matter of fact. This includes an expression of opinion if it is based on inaccurate data.

## **Confidentiality**

It is not possible to produce a definitive list of all items that may be considered confidential. The following items, are considered by the Association, to be confidential and at no time should 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 will not be given in committee reports or minutes. Nor in any other way divulged to anyone other than staff members, or other professionals on a “need to know” basis.
- All data records, both computer and paper will be kept confidential to the appropriate staff member and in line with the Association’s document retention schedule. No Committee Member will view an individual’s data records.
- Items judged, on an ad hoc basis, to be confidential or commercially sensitive.

### **Exceptions to the above are:**

- Where a resident or other member of the public complains or appeals to the Association about an issue and a personal representation is being made to a sub committee as a stage in the procedure. In these circumstances it is recognised that it is impossible to withhold information on the persons identity.
- Where the Association has a legal obligation to provide information to a third party.

## **Breaches of Confidentiality**

Any breach of confidentiality, whether deliberate or inadvertent will be taken seriously by the Association. The circumstances surrounding the breach will be taken into account and may influence the level of disciplinary action which may be taken by the Association. In terms of data protection regulations the breach may require to be reported to the Information Commissioner and the Association will record any breaches (reportable or not) in its breach register.

Breaches of confidentiality by staff members will dealt with in accordance with the Disciplinary Procedures contained in the employees' Conditions of Service. This could result in a warning or possible dismissal dependant on the seriousness of the

breach and the resultant damage or impact on the individuals concerned or the Association. Breaches of confidentiality by Committee Members may result in them being asked to leave the committee or being removed from the Committee at a general meeting of the Association's membership.

## **Policy Review**

This policy will be reviewed every five years from the date of its approval, which is shown on its front cover or at an alternative interval in accordance with the policy review programme of the Association.