50 YEARS OF
Reidvale
Housing Association

ENVIRONMENTAL INFORMATION REGULATIONS (SCOTLAND) POLICY

September 2026

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APPENDIX 1 – EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT 15

1. POLICY SCOPE

1.1 This policy sets out how Reidvale Housing Association (Reidvale) will comply with the Environmental Information (Scotland) Regulations 2004 (EIRs). It applies to environmental information held by Reidvale or held by another person on Reidvale's behalf, regardless of the service or activity to which the information relates.

1.2 Registered social landlords are fully covered by the EIRs. This is wider than Reidvale's designation under the Freedom of Information (Scotland) Act 2002 (FOISA), which applies only to specified functions. Environmental information relating to activities outside Reidvale's FOISA designation, including factoring or services to owners, can therefore still fall within the EIRs.

1.3 This policy applies to Management Committee members, employees, temporary workers, volunteers and others who create, hold, receive, manage or search for information on Reidvale's behalf.

1.4 The EIRs use a broad definition of environmental information. They cover information in written, visual, electronic, audio or any other material form about environmental elements, factors affecting the environment, measures and activities affecting or likely to affect the environment, related economic analysis, and certain information about human health, safety, buildings and cultural sites.

1.5 This policy should be read alongside Reidvale's Notifiable Events Policy, FOISA Policy, Guide to Information, records management and retention arrangements, Data Protection Policy and any operational FOISA/EIR guidance maintained by Reidvale.

2. POLICY OBJECTIVE

2.1 The objective of this policy is to support openness, accountability and lawful access to environmental information, while protecting information where an EIR exception or other applicable provision permits or requires it to be withheld.

2.2 The policy is intended to ensure that environmental information requests are recognised regardless of the label or format used, handled under the correct statutory regime, answered promptly, supported by adequate searches and records, and accompanied by the correct rights of representation and appeal.

3. GOVERNANCE

3.1 The principal legal and governance framework for this policy is:

- Environmental Information (Scotland) Regulations 2004 (EIRs).
- Freedom of Information (Scotland) Act 2002 (FOISA), including section 39(2) where information is environmental and falls within FOISA.
- the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the EIRs (the Section 60 Code).
- the Scottish Information Commissioner's Model Publication Scheme, guidance on the EIRs and associated good practice.
- UK General Data Protection Regulation and Data Protection Act 2018 where requested environmental information contains personal data.

3.2 The EIRs came into force on 1 January 2005. The Scottish Information Commissioner regulates compliance with the EIRs in Scotland.

3.3 FOISA and the EIRs are separate access regimes. Where requested information is environmental information, Reidvale will deal with it under the EIRs. Where the same information also falls within Reidvale's FOISA designation, Reidvale can apply section 39(2) of FOISA so that the substantive access decision is made under the EIRs.

3.4 The EIRs contain a presumption in favour of disclosure. Regulation 10 exceptions must be interpreted restrictively and are subject to the public interest test. Personal data is considered separately under regulation 11.

4. DEFINITIONS

4.1 **Environmental information:** information within regulation 2 of the EIRs. This includes information about the state of environmental elements such as air, atmosphere, water, soil, land, landscape and natural sites; biological diversity; factors such as substances, energy, noise, radiation, waste, emissions and discharges; measures and activities affecting or likely to affect the environment; cost-benefit and other economic analyses used in environmental decision-making; and information about human health, safety, food-chain contamination, cultural sites and built structures where they are affected by environmental elements or factors.

4.2 **Applicant:** any person making a request for environmental information. A request can be made from anywhere and the applicant does not have to explain why the information is wanted.

4.3 **EIR request:** a request for environmental information. It can be made verbally or in writing and does not need to refer to the EIRs or use a prescribed form.

4.4 **Information held:** environmental information in Reidvale's possession which it has produced or received, and environmental information held by another person on Reidvale's behalf.

4.5 **Exception:** a provision in the EIRs which allows environmental information to be withheld where the statutory conditions are met. Regulation 10 exceptions are subject to the public interest test and must be interpreted restrictively with a presumption in favour of disclosure.

4.6 **Public interest test:** the assessment of whether, in all the circumstances, the public interest in making the environmental information available is outweighed by the public interest in maintaining an applicable regulation 10 exception.

4.7 **Representations:** the statutory EIR review process under regulation 16 by which an applicant can require Reidvale to reconsider how an EIR request was handled before applying to the Scottish Information Commissioner.

4.8 **FOISA Lead:** the officer appointed by Reidvale to coordinate FOISA and EIR compliance, request handling, reporting, publication requirements and internal advice.

5. RESPONSIBILITIES

5.1 **Management Committee:** has strategic oversight of Reidvale's compliance with the EIRs and receives significant assurance, compliance or risk information as appropriate.

5.2 **Head of Corporate and Strategy / FOISA Lead:** has operational responsibility for coordinating compliance with this policy, receiving and allocating requests, monitoring statutory timescales, supporting searches and exception decisions, maintaining request records, coordinating proactive publication and submitting required FOI/EIR statistics.

5.3 **Director and senior managers:** must support prompt searches and decision-making within their areas. Regulation 16 reviews will normally be undertaken by the Director or another suitably senior person who was not involved in the original decision.

5.4 **Data Protection Officer (DPO):** provides independent advice where an EIR request engages personal data, confidentiality, data protection or individual

information rights. The DPO does not own Reidvale's EIR function or make operational decisions on Reidvale's behalf.

5.5 **Managers and information owners:** must ensure relevant information is identified and searched for promptly, search methods are recorded where appropriate, information is preserved once a request is received, and requested records are supplied to the FOISA Lead in time to meet statutory deadlines.

5.6 **All Reidvale personnel:** must recognise potential environmental information requests, including oral requests, forward them promptly to the FOISA Lead, cooperate with searches and reviews, and not delete, alter or conceal relevant information after a request has been received.

6. IMPLEMENTATION GUIDELINES

6.1 Reidvale will apply the following principles when handling environmental information:

- Requests will be interpreted by substance rather than by the label used by the applicant.
- A verbal request for environmental information can be valid. Staff will make an accurate written record of an oral request and, where useful, confirm the wording with the applicant.
- Applicants will not be required to explain their purpose or interest in the information.
- Reidvale will provide reasonable advice and assistance, including where a request needs clarification or an applicant has accessibility or communication needs.
- Reidvale will identify information actually held at the date of the request, including information held on its behalf, and will not create new information simply to answer a request.
- Environmental information will be made available in the form or format requested where reasonably practicable and where regulation 6 does not permit another approach.
- Any regulation 10 exception will be interpreted restrictively, with a presumption in favour of disclosure and a documented public interest assessment.

- Personal data will not be withheld automatically. Regulation 11 and the applicable data protection rules will be considered on the facts.
- The FOISA and EIR regimes will be kept distinct. FOISA concepts such as section 14 repeated requests and the £600 excessive cost limit do not automatically apply to EIR requests.
- Reidvale will proactively make environmental information available where required and will maintain appropriate information in its Guide to Information and other publication channels.

7. RECOGNISING AND RECORDING A REQUEST

7.1 An EIR request can be made verbally, by telephone, by email, by letter, through a website contact route, social media or another channel. It does not need to mention the EIRs. Any request that seeks environmental information must be treated as a potential EIR request and forwarded promptly to the FOISA Lead.

7.2 Requests can be sent to Reidvale Housing Association, 3 Whitevale Street, Glasgow, G31 1QW or by email to foi@reidvale.org.uk. These routes do not prevent an applicant from making a valid request by another method.

7.3 The FOISA Lead will record the date received, scope, applicant contact details where available, statutory deadline, responsible service, searches, correspondence, decisions, any fee, any exception applied, review activity and final outcome.

8. CLARIFICATION, ADVICE AND ASSISTANCE

8.1 Where a request is formulated in too general a manner or Reidvale reasonably needs further particulars to identify the information sought, Reidvale will ask for clarification as soon as possible and provide reasonable assistance to help the applicant describe the information.

8.2 The EIRs do not contain a general provision stopping or extending the response clock while clarification is sought. Clarification must therefore be pursued promptly. Regulation 10(4)(c) will only be considered where the request remains too general after Reidvale has asked for further particulars and provided assistance, and any reliance on the exception remains subject to the public interest test.

9. SEARCHING FOR INFORMATION AND INFORMATION NOT HELD

9.1 Reidvale will undertake searches that are reasonable and appropriate to the scope of the request, the way relevant records are managed and the locations in which the information is likely to be held. Searches can include business systems, email, shared drives, paper files, archived information and information held by contractors or other persons on Reidvale's behalf where relevant.

9.2 If Reidvale does not hold requested environmental information, regulation 10(4)(a) can apply. Reidvale will distinguish information not held from information withheld and will not create information merely to answer the request.

9.3 Where Reidvale does not hold the information but believes another public authority holds it, regulation 14 requires Reidvale either to transfer the request to that authority or provide the applicant with the other authority's name and address, and inform the applicant accordingly. A transfer will be handled promptly and appropriately.

10. TIMESCALES

10.1 Reidvale will make environmental information available as soon as possible and no later than 20 working days after receipt of the request, unless a valid provision of the EIRs affects that period.

10.2 The response period can be extended by up to a further 20 working days only where both the volume and complexity of the information requested make it impracticable to comply, or decide to refuse, within 20 working days. The maximum period is therefore 40 working days.

10.3 Where regulation 7 is used, Reidvale will notify the applicant as soon as possible and no later than 20 working days after receiving the request, explain the extension and state why the information is considered both voluminous and complex.

11. FORM AND FORMAT

11.1 Where an applicant asks for information in a particular form or format, Reidvale will comply so far as required by regulation 6. Where the information is already publicly available and easily accessible in another form or format, or it is reasonable to make it available in another form or format, Reidvale will explain the position to the applicant.

11.2 Reidvale will consider accessibility needs and reasonable adjustments when deciding how information is supplied.

12. CHARGES FOR ENVIRONMENTAL INFORMATION

12.1 Regulation 8 allows Reidvale to charge a reasonable amount for making environmental information available. Any charge must not exceed the cost to Reidvale of producing the information requested and must not be set at a level that unreasonably deters access to environmental information.

12.2 Reidvale will not charge an applicant for accessing a public register or list of environmental information, or for examining requested information at a place Reidvale makes available for that purpose.

12.3 Where a fee is charged, Reidvale will apply its published EIR schedule of fees and information about the circumstances in which fees can be charged, waived or required in advance. Relevant costs can include reasonable staff time used to locate, retrieve, extract and prepare information for supply, together with appropriate copying, printing and delivery costs.

12.4 If advance payment is required, Reidvale will issue a written fee notice. Reidvale is not required to make the information available until the fee is paid, and the EIR response clock is suspended for the period specified by regulation 8. The fee must be paid within 60 working days of the notice.

12.5 There is no FOISA-style £100 threshold or £600 upper cost limit under the EIRs. A request that would impose a disproportionate burden can instead be considered under regulation 10(4)(b), but only where the request is manifestly unreasonable and the public interest test supports withholding.

13. PROACTIVE PUBLICATION AND GUIDE TO INFORMATION

13.1 Reidvale will take reasonable steps to organise and keep up to date environmental information relevant to its functions with a view to active and systematic dissemination. Environmental information that should be routinely available will be published through Reidvale's Guide to Information, website or other appropriate channels.

13.2 Reidvale has adopted the Scottish Information Commissioner's Model Publication Scheme and maintains a Guide to Information explaining the information it routinely makes available, how it can be accessed and any applicable charges.

14. STATISTICS AND RECORDS

14.1 The FOISA Lead will maintain sufficient records to demonstrate compliance and to support the quarterly FOI and EIR statistical returns required by the Scottish Information Commissioner. These records will include request volumes, response outcomes, exceptions, review activity and other information required for the return. Data protection rights requests are not part of the Commissioner's FOI/EIR quarterly statistics return.

EXCEPTIONS AND THE PUBLIC INTEREST TEST

14.2 The EIRs do not require disclosure of all environmental information. Reidvale can refuse to make information available only where a relevant provision permits this and the statutory tests are met.

14.3 All exceptions under regulation 10 must be interpreted restrictively, with a presumption in favour of disclosure. Even where an exception applies, Reidvale must disclose the information unless, in all the circumstances, the public interest in maintaining the exception outweighs the public interest in making the information available.

14.4 Environmental information relating to emissions has special protection. To the extent information relates to emissions, Reidvale cannot rely on regulation 10(5)(d), 10(5)(e), 10(5)(f) or 10(5)(g).

REGULATION 10(4) EXCEPTIONS

14.5 Information not held - regulation 10(4)(a): applies where Reidvale does not hold the requested environmental information at the time of the request. Information held by another person on Reidvale's behalf is still treated as held by Reidvale.

14.6 Manifestly unreasonable request - regulation 10(4)(b): can apply where the request is manifestly unreasonable because, for example, it would impose a significant burden or would otherwise be clearly disproportionate or unreasonable. This is a high threshold, must be supported by evidence and remains subject to the public interest test. A repeated request is not automatically refused merely because it repeats an earlier request.

14.7 Request formulated in too general a manner - regulation 10(4)(c): can apply only after Reidvale has asked the applicant for further particulars and provided reasonable advice and assistance, but the request remains too general to answer.

14.8 Material in the course of completion, unfinished documents or incomplete data - regulation 10(4)(d): can apply to material genuinely in the course of completion. A document is not excepted merely because it is labelled draft. Where this

exception is used, the refusal notice will state when Reidvale considers the information will be finished or completed.

14.9 Internal communications - regulation 10(4)(e): can apply to internal communications where the statutory conditions are met. The exception does not create a blanket protection for all internal emails, notes or drafts and is subject to the public interest test.

15. REGULATION 10(5) EXCEPTIONS

15.1 International relations, defence, national security or public safety - regulation 10(5)(a): can apply where disclosure would, or would be likely to, prejudice these interests substantially.

15.2 The course of justice, fair trial or inquiries - regulation 10(5)(b): can apply where disclosure would, or would be likely to, prejudice substantially the course of justice, a person's ability to receive a fair trial or a public authority's ability to conduct a criminal or disciplinary inquiry.

15.3 Intellectual property rights - regulation 10(5)(c): can apply where disclosure would, or would be likely to, prejudice intellectual property rights substantially.

15.4 Confidentiality of proceedings - regulation 10(5)(d): can apply where disclosure would, or would be likely to, prejudice substantially the confidentiality of proceedings of a public authority where that confidentiality is provided for by law.

15.5 Confidentiality of commercial or industrial information - regulation 10(5)(e): can apply where disclosure would, or would be likely to, prejudice substantially the confidentiality of commercial or industrial information, the confidentiality is provided for by law and protects a legitimate economic interest.

15.6 Interests of the person who provided information - regulation 10(5)(f): can apply in the specific circumstances set out in the EIRs where information was supplied voluntarily and disclosure would, or would be likely to, prejudice the provider's interests substantially.

15.7 Protection of the environment - regulation 10(5)(g): can apply where disclosure would, or would be likely to, prejudice substantially the protection of the environment to which the information relates.

16. PERSONAL DATA - REGULATION 11

16.1 Environmental information that contains personal data is considered under regulation 11 together with the UK GDPR and Data Protection Act 2018. Personal

data is not automatically withheld simply because it identifies an individual. Reidvale will consider whether disclosure is permitted or prohibited under the specific regulation 11 tests, including the position of the applicant where the information is their own personal data.

16.2 Where a request is, in substance, a request by an individual for their own personal data, Reidvale will identify the appropriate data protection rights process and provide advice and assistance. A request can engage more than one statutory regime and each part will be handled under the regime that applies.

17. REFUSAL NOTICES

17.1 Where Reidvale refuses all or part of an EIR request, the refusal will be given in writing as soon as possible and no later than the applicable statutory deadline. The notice will identify the relevant exception or regulation 11 provision, explain the reasoning to the extent required by law, set out the public interest assessment where applicable, and explain the applicant's right to make representations under regulation 16 and then apply to the Scottish Information Commissioner.

17.2 In limited circumstances Reidvale can respond without revealing whether information exists or is held where the statutory conditions permit this. Any such decision will be made carefully and recorded.

18. REPRESENTATIONS, REVIEW AND APPEAL

18.1 An applicant who believes Reidvale has failed to comply with the EIRs can make representations requiring Reidvale to review the matter. Representations must be made in writing and normally within 40 working days after the applicant receives the decision complained of, or the date by which the decision should have been provided.

18.2 A review will be carried out by the Director or another suitably senior person who was not involved in the original decision. Reidvale will review whether the request was handled in accordance with the EIRs and will take steps to remedy any failure identified.

18.3 Reidvale will notify the applicant of the outcome as soon as possible and no later than 20 working days after receiving valid representations. There is no provision to extend this 20-working-day review period.

18.4 If the applicant remains dissatisfied after Reidvale's review, they can apply to the Scottish Information Commissioner in accordance with the statutory appeal

process. Any further appeal from a decision of the Commissioner is to the Court of Session on a point of law.

19. COMMUNICATION GUIDELINES

19.1 Reidvale will make information about environmental information rights and request routes available through its website, Guide to Information and other appropriate channels. Public-facing information will make clear that an EIR request can be made verbally as well as in writing.

19.2 All Reidvale personnel will receive proportionate guidance so they can recognise environmental information requests and know how to refer them promptly to the FOISA Lead. Staff working in repairs, maintenance, property, development, procurement, factoring, health and safety, complaints and governance should be particularly alert to information that can fall within the broad environmental information definition.

19.3 Where decisions affect applicants, responses will use clear language and provide the correct rights of representation and appeal. Reasonable adjustments and alternative formats will be provided where required.

20. REVIEWING AND MONITORING

20.1 The Head of Corporate and Strategy / FOISA Lead will monitor operational compliance with this policy, including request volumes, statutory timescales, searches, fees, exception use, review outcomes, Scottish Information Commissioner decisions, publication arrangements and recurring issues.

20.2 The DPO will provide advice and proportionate independent monitoring where EIR handling engages personal data or related information governance risks. Material compliance issues, repeated failures or significant risks will be escalated to the Director and, where appropriate, the Management Committee.

20.3 This policy will be reviewed at least every two years by the Head of Corporate and Strategy / FOISA Lead, with specialist advice as required, and earlier where legislation, Scottish Information Commissioner guidance or decisions, Reidvale's activities, audit findings or operational experience indicate that a change is required.

21. APPROVAL

21.1 This policy requires approval by the Reidvale Housing Association Management Committee. The adoption date is Wednesday, 30th September 2026.

21.2 Document owner: Head of Corporate and Strategy / FOISA Lead.

21.3 Data Protection Officer: RGDP LLP provides advice where EIR compliance interacts with data protection and personal data.

APPENDIX 1 – EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

<table>
<tr><td>Who is intended to benefit from this policy?</td><td colspan="2">☒ Existing Tenants
☒ New Tenants
☒ People on waiting lists
☒ Governing body members
☒ Staff
☒ The wider community</td></tr>
<tr><td>Which protected characteristics have been considered and how could they be affected?</td><td colspan="2">☒ Age
☒ Disability
☒ Gender reassignment
☒ Marriage and civil partnership
☒ Pregnancy and maternity
☒ Race
☒ Religion or belief
☒ Sex
☒ Sexual Orientation</td></tr>
<tr><td>If no differential impact is identified, provide a brief explanation and confirm that no further assessment is required.</td><td colspan="2">No inherent adverse differential impact is identified. The policy creates a consistent right of access to environmental information for all applicants. Accessibility, disability, language, literacy, digital exclusion and communication needs can affect how easily a person makes or pursues a request, particularly because requests can be verbal. Reasonable adjustments and alternative channels address these risks. No further full assessment is required at this stage, subject to monitoring.</td></tr>
<tr><td>Have those affected by the policy been involved?</td><td colspan="2">No specific external consultation is recorded for this policy. It primarily implements statutory requirements under the Environmental Information (Scotland) Regulations 2004 and current Scottish Information Commissioner guidance. Future review should take account of applicant feedback, complaints, review outcomes, accessibility issues and Commissioner decisions relevant to Reidvale.</td></tr>
<tr><td rowspan="2">Describe the likely positive or negative impact(s) that the policy could have on the groups identified above</td><td>POSITIVE</td><td>NEGATIVE</td></tr>
<tr><td>Supports equal access to environmental information and public participation.</td><td>No inherent adverse impact is expected.

Potential barriers include inaccessible publication</td></tr>
</table>

	Allows requests to be made verbally, reducing barriers for people who cannot easily make written requests. Requires advice and assistance, accessible communication and reasonable adjustments. Supports transparency and accountability in decisions affecting homes, neighbourhoods and the environment.	formats, digital exclusion, language or communication difficulties, or incorrectly requiring requests to be written. There is also a risk to privacy where environmental information contains personal data. The policy addresses these risks through alternative channels, reasonable adjustments, regulation 11 assessment and clear escalation.
What reasonable adjustments or ongoing monitoring is required?	Maintain accessible request routes, including verbal requests. Provide reasonable adjustments and alternative formats where required. Monitor timescales, rejected or clarified requests, fee use, review outcomes, Commissioner decisions and applicant feedback for evidence of unequal access or disproportionate impact. Ensure environmental information containing personal data is assessed carefully and disclosed securely where appropriate.	
Which human rights will be affected by this policy	• Right to respect for private and family life, home and correspondence • Right to freedom of expression, to receive & impart information & ideas • Right to an effective remedy • Prohibition of discrimination	
Describe how this policy will deliver human rights equally.	The policy supports the right to receive information and effective remedy by providing a clear process for environmental information requests, representations and appeal. It supports privacy by requiring personal data to be considered under regulation 11 rather than disclosed automatically. Equal access is supported through verbal request routes, advice and assistance, accessible communication and reasonable adjustments. Any restriction on disclosure must have a lawful basis and be applied proportionately.	

Having considered the above, this policy is assessed as having no adverse impact on protected groups and as having a positive impact on Human Rights by supporting access to information, accountability and effective review while protecting privacy and other lawful interests.

The policy will be implemented in a fair and proportionate manner.