

<b>Date Issued</b>	<b>21 June 2001</b>
<b>Date of Last Review</b>	<b>March 2017</b>
<b>Department</b>	Management
<b>Title</b>	<b>Openness &amp; Confidentiality</b>
<b>Responsible</b>	Chief Executive
<b>Next Review Date</b>	<b>March 2022</b>

This policy should be read in conjunction with our Data Protection Policy and our Subject Access Request Procedure.

## **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 1998.
- 1.6 The purpose of this policy is to identify where and what information should be:
  - a) publicly available
  - b) provided on request
  - c) confidential

and 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

2.1 We will give consideration to adopting the SFHA's Model Publication Framework during 2017 and will make information available on our website in accordance with its recommendations. Wherever practical we will provide other information relating to the organisation when requested, in line with this policy and our Data Protection policy.

2.2 We produce published information which may include but is not restricted to:

- Annual Accounts
- How we're doing booklet
- Management Committee Papers and Minutes
- Information Leaflets
- Newsletters
- Policies
- Statutory Registers including:
  - (i) Members' Register
  - (ii) Fraud Register
  - (iv)(iii) Hospitality & Gifts Register Bribery & Corruption Register

2.3 We will provide information available within this policy in a variety of formats in line with our Equalities and Diversity policy.

## 3.0 CONFIDENTIALITY

3.1 The information we hold on individuals may include information on:

- a) marital status
- b) sexuality
- c) ethnic origin
- d) age
- e) health and addiction
- f) personal income
- g) family circumstances

3.2 The source of information includes, but is not necessarily limited to:

- a) other landlords
- b) health services
- c) social work
- d) local authority
- e) government agencies
- f) voluntary organisations
- g) debt collectors
- h) banks
- i) schools
- j) police and prisons

- k) MSP's and Councillors
- l) solicitors
- m) contractors
- n) other employers

3.3 This information may relate to:

- a) individual members
- b) individual prospective members
- c) families of members
- d) Management Committee members
- e) employees
- f) employee family members
- g) Tenants
- h) tenants' family members

3.4 The information may be recorded and received in a number of different ways:

- a) in writing
- b) in person
- c) by electronic communication
- d) on forms
- e) in certificates
- f) by letter or fax
- g) by email or telephone
- h) in minutes of meetings

It may even be submitted anonymously.

3.5 We will not disclose confidential information to a third party without the consent of the person who either provided the information, or without the consent of the person to whom the information relates. We will only disclose information we hold within the terms of the Data Protection Act or if required, by legal direction.

3.6 It is important that anyone with whom we have, or may have a relationship, feels confident that information given to us will be treated as confidential and handled in a sensitive manner.

3.7 We store confidential matters in a secure environment where access is appropriately restricted.

#### **4.0 ACCESSING CONFIDENTIAL INFORMATION**

4.1 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

4.2 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.

- 4.3 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.
- 4.4 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 the Chief Executive, or in their absence, to another member of the Senior Management Team.
- 4.5 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.
- 4.6 We reserve the right under the Regulation of Investigatory Powers Act 2000 to monitor employee communications.
- 4.7 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.

## **5.0 RETENTION OF FILES**

- 5.1 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.
- 5.2 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.

## **6.0 MONITORING AND REVIEW**

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