



OPENNESS, ACCOUNTABILITY AND CONFIDENTIALITY POLICY

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1. Purpose of this Policy

- 1.1 This Policy describes how ng homes will ensure that we are open about what we do and that we are accountable to our tenants, service users and other stakeholders for our actions.
- 1.2 The Policy also sets out the standards of confidentiality that all ng homes Board members and employees must meet, when dealing with personal or sensitive information.

2. Policy statement on openness and accountability

- 2.1 Our primary accountability is to ng homes' tenants and service users and to the communities we serve in North Glasgow. We also acknowledge our wider accountability relationships, for example with people seeking to use our services and with our funders, regulators and partner organisations.
- 2.2 We will work in an open and accountable way by:
 - Making information freely available about ng homes, how we are governed, our performance and the major decisions we make
 - Actively promoting resident consultation, participation and feedback
 - Enabling local residents to hold us to account, through our membership and Board election policies and wider resident involvement methods
 - Following the principles of the SFHA / GWSF document on openness and transparency
- 2.3 We will comply with all relevant statutory and regulatory obligations that apply to making information available. These obligations include:
 - The Scottish Housing Regulator's Standards and Guidance (Standards for Governance and Financial Management)
 - Providing tenants with information about our policies and procedures (as per the Housing Scotland Act 2001, Part 2, Section 23)
 - Publicising and making available investigation reports by the Scottish Public Service Ombudsman
- 2.4 We will respond positively to requests for information, unless there are justifiable reasons why it is not possible to do so (for example, because the confidentiality of individuals would be compromised, or because information is commercially sensitive).

3. Examples of information we will make freely available, as part of our commitment to openness and accountability:

Information published by ng homes	Examples of information we will provide on request
<ul style="list-style-type: none"> • Landlord report • Business Plan • Our Rules • Minutes of general meetings • Minutes of Board meetings (these will exclude any confidential items or information) • Information about how to become a shareholding member or to seek election to the Board • Opportunities for tenants and residents to be involved or consulted about decision-making • Information about our policies and arrangements for service delivery and any changes in our service standards • Full copies of our policies for service delivery, corporate governance and organisational management • How we are performing in relation to our targets for service delivery • Scottish Social Housing Charter report • Results of satisfaction surveys and other feedback received from service users • Reports relating to any inquiries or inspections published by our main regulators (the Scottish Housing Regulator and the Office of the Scottish Housing Charity Regulator) or the Scottish public Services Ombudsman • Our complaints procedure • Information provided by ng homes to the Scottish Housing Regulator and published on the Regulator’s website (e.g. annual accounts and annual return on the charter (ARC)) • Scottish Housing Quality Standard (SHQS) data • Energy Efficiency Standard for Social Housing (ESSH) data 	<ul style="list-style-type: none"> • Board and committee reports (excluding any reports that are confidential or commercially sensitive) • Any other information that has not been categorised as confidential or commercially sensitive

4. How we will make information available

- 4.1 We may publish information in hard copy or via our website, as well as making it available at our offices.
- 4.2 We will make the Register of Shareholding Members available for inspection by the public.
- 4.3 As an organisation that processes personal data, ng homes is required to produce, publicise and issue a Fair Processing Notice which details the personal data processed by the Association and the basis for that processing. This applies to all applicants, tenants, factored owners, Association Members, Board Members, Employees, Volunteers, and members of the public who may have cause to interact with the Association from time to time.
- 4.4 Procedures for dealing with information requests, other than requests relating to personal information under the General Data Protection Regulation (GDPR), can be found in the Association's Freedom of Information and Environmental Information Policy and Procedures. A basic guide on the procedures for responding to information requests is attached to this Policy.

5. Policy statement on maintaining confidentiality

- 5.1 Alongside our commitment to openness, ng homes will protect individuals' rights to confidentiality and we will have clear arrangements for dealing with any business matters that need to remain confidential.
- 5.2 ng homes will meet its obligations under the Data Protection Act 2018 and GDPR in processing personal information. Some of the information that the Association holds is particularly sensitive and we must be aware that special rules apply to it. We will ensure that service users and employees are able to exercise their legal rights to access personal information we hold about them.
- 5.3 Board members and employees must always respect any confidential information they have access to about individuals or ng homes. The guiding principles are that:
 - Nobody should pass on confidential information to people who have no need or right to know it.
 - If in any doubt about whether information is confidential, guidance should always be sought.

6. Maintaining confidentiality for service users

- 6.1 ng homes maintains comprehensive records relating to tenants and service users, held in paper and computerised formats. Information will be processed and made available in accordance with data protection legislation.
- 6.2 We will respect service users' rights to privacy at all times. We will ensure that conversations about personal matters take place without being overheard and that confidential documents are kept secure from unauthorised access.
- 6.3 Our staff may discuss service users with managers or colleagues where working as part of a team. This may include informing colleagues about any significant risk that may result from contact with a service user.
- 6.4 In line with the Data Protection Act 2018 and GDPR, we will seek service users' consent before making any personal information available to third parties. Some exceptions may arise, for example:
- Where we have a legal obligation to provide or exchange information with a third party.
 - Where we are providing enhanced housing support or care services or believe that an individual may be at risk, we have a duty of care that may require information to be passed on to other staff, relatives or other professionals. In such cases, we will only make information available to those who need to know it.
- 6.5 We will limit information about individual service users in reports to the ng homes Board. Board reports and minutes will not include names, addresses, or any other means of identifying service users. The Board will not have any knowledge about individuals' identity unless unavoidable (e.g. where a service user wishes to make a personal representation to an Appeals Sub-Committee).
- 6.6 Board members must never disclose any information about individual service users outside the Boardroom. Failure to maintain confidentiality will be a serious breach of the Code of Conduct for Board members.

7. Maintaining confidentiality on staffing matters

- 7.1 Personal information held about members of staff relating to their employment will generally be treated as confidential, for example in relation to selection and recruitment, remuneration, and any grievance or disciplinary action (although information about misconduct will be reported to management). Information processing and access to personal information will be managed in accordance with data protection legislation.

- 7.2 Senior managers, line managers and HR staff will hold or have access to records relating to current and former staff members. Details of individuals' personnel records will not be made available to the Board or its Committees, other than in the exceptional circumstances where Board decisions are needed on disciplinary or compassionate matters.
- 7.3 When conducting internal staff surveys and questionnaires where these are created and communicated as being anonymous, anonymity will be assured and protected in relation to the information and data collected.

8. Maintaining confidentiality on ng homes business matters

- 8.1 Board members and staff should ensure that any confidential information, facts or opinions about ng homes, our service users, partners and staff are not divulged to people who do not have a need or a right to know.
- 8.2 Confidentiality requirements are most likely to arise in relation to:
- Information that is commercially sensitive, for example relating to current commercial negotiations or transactions
 - Information about disputes or matters that are, or may become, the subject of legal actions
 - Personal information relating to any individual, including service users, Board members and employees
 - Information relating to funders, partners and contractors which has been provided to ng homes in confidence;
 - Other items judged, on their individual merits, to be confidential.
- 8.3 Board and Committee reports relating to confidential matters will not be available to the public and will be subject to a confidential minute, separate from the minutes that are made publicly available. Internal distribution of confidential reports and minutes may also be restricted to Board members and appropriate managers and staff. Confidential reports and minutes will always be made available to ng homes' regulators and auditors. Confidentiality requirements will not affect the general obligation of Board members and employees to register all relevant interests.
- 8.4 ng homes will respond positively to requests from the media for information about our work, normally through the CEO's Office. Staff members must not speak to the media about ng homes, its interests, service users or employees without prior authorisation from the CEO. Board and committee members must not do so without prior authorisation from the Chair.

9. Compliance with the Policy

- 9.1 All board and staff members must comply with this Policy. Failure to do so may damage service users' interests, staff morale, professional relationships and ng homes' reputation. Breaches of confidentiality are a serious matter and may be considered as gross misconduct and could result in dismissal of employees or removal of Board members.
- 9.2 Where a Board or staff member has a serious concern about wrongdoing or misconduct within the organisation and wish to raise this, they will be able to do so under the Whistleblowing Policy, without being considered to have breached confidentiality requirements.
- 9.3 While this Policy deals specifically with ng homes, its overall principles and requirements will also apply to other companies within the ng group.

10. Equal Opportunities

- 10.1 ng homes is committed to ensuring equal opportunities and fair treatment for all people in our work, in compliance with the Equality Act 2010. We will respond positively to requests to make information available in other formats that meet individuals' needs. For example, where a service user has difficulty with sight, hearing or language, we will seek to provide information in a form that meets their requirements.

11. Relevant Legislation

- The Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- Equality Act 2010
- Housing (Scotland) Act 2001
- Scottish Public Services Ombudsman Act 2002
- Human Rights Act 1998.
- Freedom of Information Act (Scotland) 2002
- Environmental Information Regulations (Scotland) 2004

12. General Data Protection Regulations (GDPR)

- 12.1 We recognise the importance of data protection legislation in protecting the rights of individuals in relation to personal information that we may handle and use about them, whether on computer or in paper format. We will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy

comply fully with data protection legislation. More information is available from our Data Protection Officer.

13. Other Related Policies

- Data Protection
- Code of Conduct for Board members
- Code of Conduct for Staff
- Declaration of Interests by Governing Body Members and Employees
- Gifts, Hospitality and Donations
- Payments and Benefits
- Standing Orders
- Acceptable Use
- Unacceptable Behaviour
- Whistleblowing
- Equality and Diversity
- Dignity at Work
- Complaints
- Customer Care
- Volunteer
- Safeguarding
- Freedom of Information and Environmental Information Policy and Procedures

14. Equality Impact Assessment

14.1 This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.

15. Policy Review

15.1 This Policy will be reviewed every two years or earlier in line with regulatory or legislative guidance/changes or good practice guidelines.

Appendix

Procedures for responding to information requests

Please refer to our Freedom of Information, and Environmental Information Policy and Procedures.

1. Responding to requests for information

Requests relating to published material, or matters already in the public domain

Provide as a matter of routine.

Other information requests (not relating to individuals)

The presumption should be to make information freely available unless there is a justifiable reason for not doing so;

- Consideration must be given to whether the information requested is confidential or commercially sensitive (see below).
- If you intend to refuse an information request on these grounds or have any doubt about whether an information request should be met, consult your line manager.

2. Deciding whether information is confidential and/or commercially sensitive

Requests should normally be refused if they relate to confidential and/or commercially sensitive information. For example:

- Information about matters subject to legal proceedings (current or under consideration)
- Information about current commercial negotiations or transactions
- Information about formal employment matters such as recruitment and selection, disciplinary action, or grievance
- Third party requests for personal information about individuals, unless there are defensible grounds for providing the information (e.g. legal obligations, information sharing protocols, individual consent provided, tenancy reference requests, duty of care considerations for vulnerable people).
- Other items judged, on their individual merits, to be confidential.

These criteria will also be applied in deciding whether Board minutes or reports can be made publicly available. If you are in any doubt about whether information requested might be confidential or commercially sensitive, consult your line manager before responding to the information request.

3. Timescales for response

Respond as soon as possible to requests for information (and within a maximum of 20 working days if the information is not already available or the request may be refused).

If the request will not be met because it relates to confidential or sensitive information, provide reasons for the decision taken and advise the applicant that they may ask for the decision to be reviewed. If following the review, the applicant was still not happy they would be advised to write to the Scottish Information Commissioner.

4. Vexatious requests

ng homes reserve the right not to comply with vexatious requests. This is likely to be exceptional, for example:

- The request may involve repeated requests which have already been refused
- The request may be intended to disrupt the organisation's work

Irritation or nuisance caused by an applicant do not, by themselves, justify deciding that an application is vexatious. We will not decide that a request for information is vexatious simply to avoid dealing with it.

If a request is decided to be vexatious, the applicant should be given reasons for the decision and be informed that they may ask for the decision to be reviewed by the Association.

5. Charging for providing information

Refer to the Association's Freedom of Information and Environmental Information Policy and Procedures.

We may also decide to allow the person who has asked for information to view it at our offices, but without providing copies.