



Access to Personal Information Policy

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| Policy Author: | Kenny Stocks |
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ACCESS TO PERSONAL INFORMATION POLICY

Ardenglen Housing Association can provide this procedure on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

1. Introduction

- 1.1 Ardenglen Housing Association (Ardenglen) is committed to the highest standards of openness, probity and accountability.
- 1.2 Regulatory Standard 5 states that an RSL must “*conduct its affairs with honesty and integrity*” To ensure this, the Association has clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.3 Ardenglen believes that it is good practice to allow tenants the opportunity to inspect their personal files and consequently the aim of this policy is to ensure that: -
 - Tenants will be given reasonable access to their personal files.
 - Any confidential information given to the Association by third parties will not be disclosed without the consent of the third party.
 - Ample opportunity will be given to the Association to remove any necessary confidential information and to check that the files are up to date.
 - Tenants will be able to challenge the accuracy of any non-confidential information held.
- 1.4 Ardenglen will comply with the Data Protection Act 1998, including any subsequent related legislation and all associated guidance, which regulate the use of personal data.
- 1.5 Ardenglen has a separate Data Protection Policy which sets out how the organisation will meet the requirements of the legislation and observe best practice in data protection.

2. Access to Personal Files

- 2.1 Ardenglen will allow all tenants to inspect the information held in their personal files provided that consent has been given for the disclosure of any confidential information and the request is made in writing. The Association will check the identity of the person requesting access to the files, to ensure that it is the individual about whom the files are held.
- 2.2 Individual tenants will also be able to authorise, in writing, another person to inspect, on their behalf, the files held.

- 2.3 The Association will not normally charge for this service unless substantial amounts of paperwork require to be copied where a £5 charge will be made.
- 2.4 The Association will write to any tenant requesting access to their files, within 10 working days of receiving the request, to arrange a convenient time for the inspection.
- 2.5 Tenants wishing to inspect their files will be given this opportunity within 20 working days.

3. Checking and Reviewing of Files

- 3.1 Prior to the tenant's visit to inspect the files, the Association will examine the files to check that they are complete. If between receiving a request and the inspection, information would ordinarily have been amended or included, then this updating will occur.
- 3.2 The Association will also review the contents of the files for confidential matters and will contact the suppliers of such information for their written authority to disclose the contents to the tenant.
- 3.3 In the event of authority not being given, or a response not having been received, the confidential papers will be removed from the file and will be returned following the tenant's inspection. The Association will prepare a list of such papers removed from the file, giving details of the date and originator of the papers. This list will be placed on the file for inspection.
- 3.4 Confidential information will usually take the form of letters or reports from the Police, Doctors and Social Workers, but information related to contemplated or actual legal proceedings or commercial negotiations and transactions will also be regarded as confidential and will not be released.

4. Disputed Information

- 4.1 The tenant will have the right to dispute or challenge the accuracy or relevance of any information held on his personal files. If the information relates to an error of fact, which can be established either immediately or upon further investigation, the Association will amend the file as soon as the true position has been established.
- 4.2 If it is not possible to obtain clarification, then the Association will record details of the enquiries, which have been made together with the details of the information, disputed by the tenant. The tenant will also be allowed to add to the files his or her own comments on the disputed matter.
- 4.3 Where the dispute relates to the accuracy or relevance of any of the information the Association will make a careful note of the information disputed for inclusion in the file. The tenant will be informed in writing of the result of any action taken in amending the files. The Association will also be

responsible for ensuring that any decisions or action taken on the basis of incorrect information are re-examined.

6. Appeals

All tenants will have the right of appeal using the Association Complaints Procedure. Tenants can appeal: -

- Against refusal of access to any documents, except those supplied in confidence by third parties that are not prepared to allow disclosure.
- Where there is a dispute as to whether information held on file is factually correct or not.
- Against information continuing to remain on file on the grounds that is no longer relevant.

7. Training

7.1 The Association through its Internal Management Plan is committed to training and developing staff and committee members to their full potential in order to deliver a high quality of service in all areas of its business.

7.2 The Management Committee and staff induction programmes include an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Committee and staff members will receive updates on these issues and specific training as required.

8. Equal Opportunities

8.1 The Association will ensure that in implementing this Policy it will not unfairly discriminate against any individual, household or group on the grounds of gender, gender identity or marital status, on race grounds, or on the grounds of disability, age, sexual orientation, language or social origin, other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.

9. Monitoring and Reporting

9.1 The Association will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

10. Review

10.1 This Policy will be approved by the Management Committee. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

11. Distribution

11. This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

12. Legal Framework

- Data Protection Act 1998
- Housing (Scotland) Act 2001
- Human Rights Act 1998
- Equalities Act 2010
- Freedom of Information (Scotland) Act 2002. (Does not currently extend to RSL's but Ardenglen is trying to meet the spirit of the legislation)

13. Related Policies

- Data Protection Policy
- Openness and Confidentiality Policy

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