



**east  
north  
east**  
homes leeds

[www.enehl.org.uk](http://www.enehl.org.uk)

**A company with a passion for communities**

# **Freedom of Information Act Procedure Guide 2009**

A blue-tinted graphic featuring several interlocking padlocks on the left and a close-up of a CD-ROM on the right. The text 'data protection' is overlaid at the bottom in a white, italicized font.

*data protection*

## Other formats

If you would like this document in another format or language, please tick as required and return to East North East Homes Leeds, Freepost RRJX-YRTK-TACE, Leeds, LS7 3YY.

Your name:

Your address:

Telephone number:

### Formats



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## Background

The Freedom of Information Act 2000 (FOI Act) created a new legal framework for access to all public sector information.

The law came into force in full from 1 January 2005.

Under the Freedom of Information Act 2000, anybody may ask for information from a public authority that has functions in England, Wales and / or Northern Ireland and applies to Arms Length Management Organisations. It gives applicants two legal rights to:

- ✓ be told whether or not we hold that information and if so,
- ✓ have that information communicated to them.

### Five laws govern access to information we hold:

- ✓ Part VA of the Local Government Act 1972
- ✓ The Local Government Act 2000
- ✓ The Freedom of Information Act 2000
- ✓ The Data Protection Act 1998
- ✓ The Environmental Regulations 1992

### Part VA of the Local Government Act 1972

This gives the public a right of access to meetings and documents connected with decisions we make.

Schedule 12A sets out 15 discretionary exemptions tailored to local government. It also prohibits access to documents or meetings where confidential information would be disclosed in breach of that confidence. We routinely make information such as Board agendas and non confidential minutes available to the public.

### The Local Government Act 2000

The new arrangements under this Act include openness as part of the drive for greater accountability in decision making. The Secretary of State aims to make decision making more efficient, transparent and accountable so that make public authorities more open and responsive to communities needs and aspirations. The public needs effective access to decision making and decision-makers.

Rules made under the 2000 Act require us to allow the public to access 'key decisions' and 'forward plans' and records of executive decisions. The rules are very prescriptive and tailored specifically to the local government context.

## Freedom of Information Act 2000

The Freedom Of Information Act (FOI) creates an over-arching framework for access to all information held by public authorities including 3rd party personal information. The right of access is subject to exemptions, for instance relating to national security, information that would prejudice international relations, commercially sensitive information, confidential information. This Act came fully into force in January 2005. It is enforced by an Information Commissioner with broad enforcement powers.

The FOI Act is broader in scope than the 1985 and the 2000 Acts. It goes further than giving rights of access to meeting documents and allows individuals access to all information held by a local authority.

If the applicant already has reasonable access to the information, for example because it is included in our Publication Scheme, we only need to direct them to it (see page 7).

The Act gives access to information regardless of when it is published or how long we have held it.

**Applicants wanting to access information held about themselves should use the Data Protection Act.**

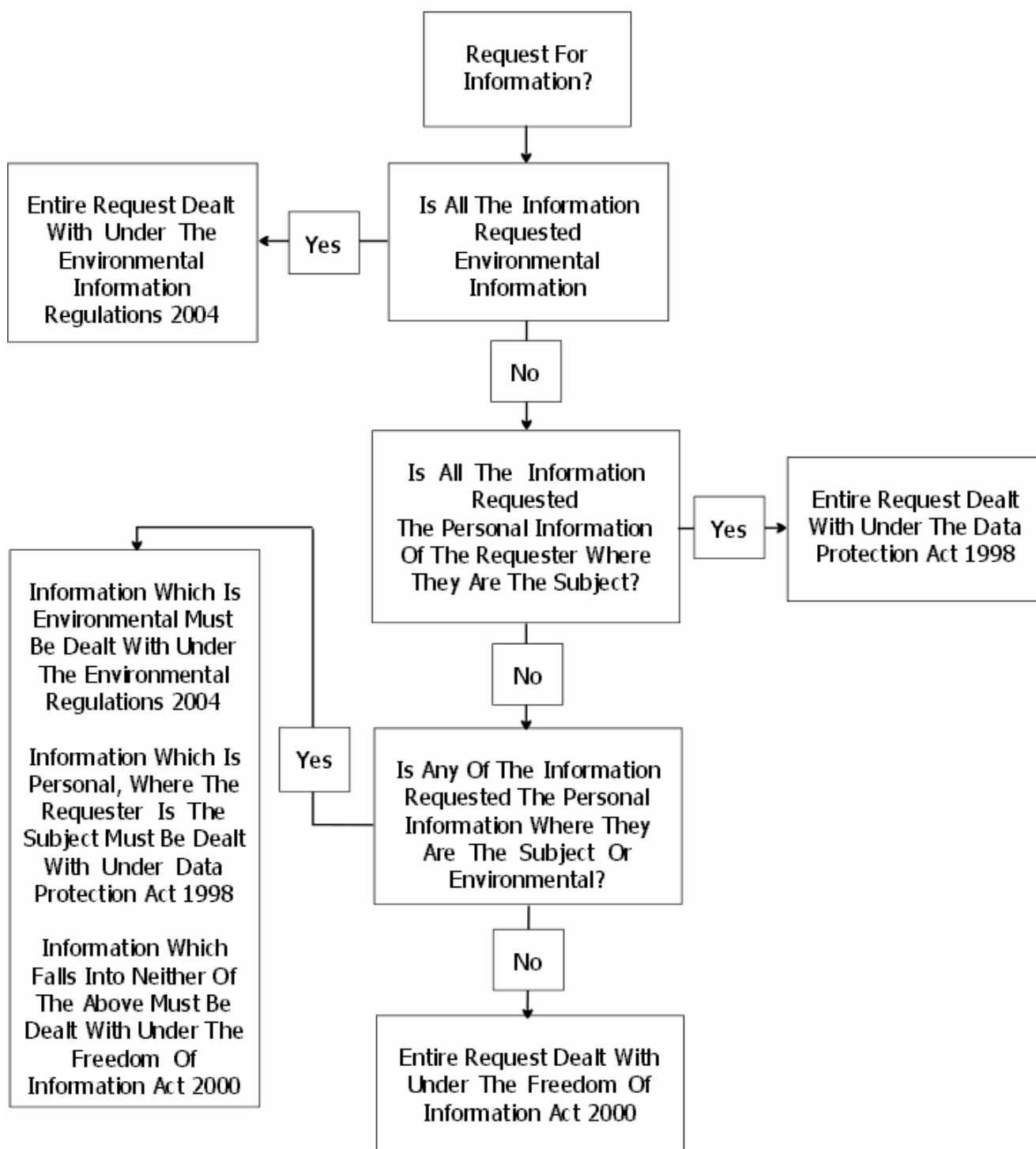
## The Data Protection Act 1998

The Data Protection Act gives individuals a right of access to information **about themselves** and governs the collection, storage and processing of personal information. It applies to electronic and manual data (ie on paper). It does not change how we deal with subject access requests under the Data Protection Act. But the FOI Act will give individuals rights of access to personal information about other people. For example, FOI legislation in other areas has given information on the names of officials seconded to public sector organisations from the private sector.

## Environmental Information Regulations 1992

The Environmental Information Regulations (EIR) 1992 (amended in 1998) give everyone access to 'environmental information' as defined in them.

## Which Act applies?



## Questions & answers

### Who can ask us for information?

Anyone can request information under the Act, regardless of age, nationality or location.

### What information will be available?

Any information we hold is eligible for release. But we may apply a number of exemptions to protect information properly kept confidential.

### Who can the public ask for information?

Broadly, Freedom of Information applies to:

- ✓ Central and local government
- ✓ The health sector
- ✓ The police and armed forces
- ✓ The education sector
- ✓ Other public bodies in England, Wales and Northern Ireland (Scotland is covered by its own Act)

### What if the information is available by other means?

If the information asked for is available through other means, including our Publication Scheme, it is exempt from the Act. All we need to do is direct them to it, for example if it is in a leaflet, give them a copy. If it is available electronically, direct them to our website. People who don't have access to the web can do so at local libraries. If the information is not easy to find or in an accessible format for them, we need to help and advise them appropriately in line with our customer service procedures

### What is a publication scheme?

Under section 19 of the Act, we must produce, maintain, and disclose in line with a Publication Scheme. This scheme sets out what kinds of information we will proactively make available, and how we will do it. All schemes must be approved by the Information Commissioner.

A publication scheme is not just a list of documents we already publish. It describes 'classes' or 'kinds' of information (such as minutes, reports etc). It may prescribe a charge for providing the information, but East North East Homes Leeds does not.

Our Publication Scheme is on page 26. We will re-submit our Scheme to the Information Commissioner on a regular basis.

## How does someone make a request?

Under the Act, all requests must:

- ✓ be in writing (this includes emails)
- ✓ say clearly what information is needed
- ✓ give the name of the applicant and an address for correspondence.

## What happens when someone makes a request?

- ✓ When someone asks us for information, we must respond as soon as possible, and **not later than 20 working after receiving the request.**
- ✓ We must consider the request and reply.
- ✓ Our reply must confirm or deny whether or not we hold the information, and either give the information, or explain why we have not provided it, quoting an exemption under the Act.

## What if we don't understand the request?

Under the Freedom of Information Act, we have a duty to advise and help 'requesters'. If we don't understand a request, we must contact them to clarify what they want.

## What does it cost?

If someone is asking for information contained in our publication scheme, the scheme also gives details of whether (and how much) we charge for providing it.

If they are asking for information that isn't in the publication scheme we may charge a fee, as laid down in regulations. If they refuse to pay the fee, we can refuse to supply the information. However, the Government has decided that any FOI request that would cost under £450 to answer is free.

## What if we refuse a request?

We can only refuse a request for information if it falls under one of the exemptions.

If we refuse a request, our reply must identify which exemption we are applying, and give details of how to apply for an internal review of our decision to refuse.

If they are not happy with our response, they must first complain to us.

If, after our internal review, we still refuse the request, they may ask the Information Commissioner to review our decision. The Information Commissioner will issue a Decision Notice which will tell us what steps we must take - this could include releasing the information.

Both sides have the right to appeal against this to the Information Tribunal.

### **How many requests can people make?**

The Act does not specifically limit the number of requests anyone can make. But, section 14 of the Act says we can reserve the right to refuse any vexatious or repeated requests. This may include repeated requests from the same person for the same information, or requests that are intended to disrupt our work.

### **How can people use the information they receive?**

The Freedom of Information Act does not restrict how the information can be used. But it does provide for exemptions for commercially sensitive information, information intended for future publication or information related to investigations, law enforcement and court records. The Act does not transfer copyright in any information supplied under it.

### **Can someone ask for the information in a different format?**

People can ask us to supply the information in any form. But we may take account of the cost of supplying the information in this form before complying with the request. People can ask us to supply information in permanent form, in summary form, or for permission to inspect records containing the information.

We may also supply the information in Braille or audio format, in large type, or translated into another language.

# Data Protection Act 1998

## What's the Data Protection Act all about?

The Data Protection Act aims to promote high standards in the handling of personal information, and to protect the individual's right to privacy.

The Data Protection Act applies to anyone holding information about living individuals in electronic format and in some cases on paper. They must follow the eight data protection principles of good information handling.

## The Eight Data Protection Principles

Personal information must be:

- ✓ Fairly and lawfully processed
- ✓ Processed for specified purposes
- ✓ Adequate, relevant and not excessive
- ✓ Accurate, and where necessary, kept up to date
- ✓ Not kept for longer than is necessary
- ✓ Processed in line with the rights of the individual
- ✓ Kept secure
- ✓ Not transferred to countries outside the European Economic Area unless there is adequate protection for the information.
- ✓ As a small business you might hold information about individuals who are customers, employees, suppliers, clients or other members of the public.

## The Register

The Data Protection Act requires the Information Commissioner to maintain a Register of data controllers and the purposes for which they use personal information. This process is known as notification. Not all data controllers are required to notify. Broadly speaking data controllers are those who are responsible for processing personal information.

You can consult the Register online.

## Individual Rights

The Data Protection Act also gives certain rights to us all as individuals, including the right to see information that is held about us and to have it corrected if it's wrong.

## Why should I comply with the Data Protection Act?

Firstly because it's a legal requirement!

However, it also makes good business sense. For example:

- ✓ Sending out a mailing from incorrect or out of date records could not only annoy your customers but also waste time and money.
- ✓ Good information handling can enhance your business's reputation by increasing customer and employee confidence in you.
- ✓ Good information handling should also reduce the risk of a complaint being made against you. Every day members of the public contact the Information Commissioner with enquiries about the way in which their information is handled. They can also ask the Information Commissioner to assess whether particular processing is likely or unlikely to comply with the Data Protection Act.
- ✓ What's more, if you are not processing in line with data protection requirements, and an individual suffers damage as a result, then that individual may also seek compensation for the damage through the courts.

### **What happens if I don't comply?**

Your business's reputation and finances could be affected.

The Information Commissioner could also take enforcement action against you to bring your processing into compliance with the principles.

Remember too that a failure to notify or renew a notification when you are not exempt from notifying is one of the criminal offences under the Data Protection Act, punishable by a fine.

An individual may also seek compensation through the courts for any damage suffered.

### **What do I actually have to do?**

You need to make sure that you and all your staff follow the eight enforceable data protection principles. These principles are central to the DATA PROTECTION ACT, and everyone who handles personal information must abide by them.

You also need to find out whether you need to notify, that is, tell the Commissioner certain details about your processing. General information about notification is available too.

### **Do I need to notify?**

Not everyone has to notify.

For example, if you only process personal information for core business purposes such as your own marketing, staff administration and accounting, you may not need to notify, although you should check.

You can find out if you are exempt online or contact the Department for Constitutional Affairs: **[www.dca.gov.uk](http://www.dca.gov.uk)**.

Remember too that a failure to notify or renew a notification when you are not exempt from notifying is one of the criminal offences under the DATA PROTECTION ACT, punishable by a fine.

Beware of bogus agencies requesting payment for data protection registration or notification. There is no connection between the Information Commissioner and such agencies. You are advised not to reply or make any payment but to notify the local Trading Standards Office instead. Remember the standard fee for notification is only £35.

### **What if someone asks for their information?**

Individuals have a right under the Data Protection Act to have a copy of the information held about them on computer and in some manual filing systems. This is known as the right of subject access.

If you do receive a subject access request, then you must deal with it promptly and in any case within 40 days of the date of receiving it. You should send the individual a copy of the personal information you hold on them, and certain other details of your processing.

You can charge a fee of up to £10 for responding to a request.

There are some circumstances where personal information need not be supplied, and there are also circumstances where information about other people need not be given. You can contact us for further information.

### **A quick 'how to comply' checklist**

This short checklist will help you comply with the DPA.

Being able to answer 'yes' to every question does not guarantee compliance, and you may need further advice in particular areas, but it should mean that broadly speaking you're heading in the right direction. Remember that the personal information you hold might belong to clients, customers or suppliers, as well as employees. All types of personal information are covered by the DPA.

You may want to print this checklist and place it somewhere visible!

- ✓ Do I really need this information about an individual? Do I know what I'm going to use it for?
- ✓ Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for? Would any of them be surprised at what I'm doing with their personal information?
- ✓ If I'm asked to pass personal information on, am I sure it's okay to do so under the DPA? Do my staff know when they can pass on personal information?
- ✓ Am I satisfied that personal information is being held securely, whether it's on paper or on computer? And what about my website? Is it secure?
- ✓ Am I sure the personal information is accurate and up to date?
- ✓ Do I delete / destroy personal information as soon as I have no more need for it?
- ✓ Is access to personal information limited only to those with a strict need to know? Have I thought about who's actually going to be able to see the personal information, especially if I'm planning to put it on the website?

- ✓ If I use CCTV is it covered by the DPA? If so, have I got notices up telling people why I have CCTV? Are the cameras in the right place, or do they intrude on anyone's privacy?
- ✓ If I need to monitor staff, for example use of email, internet and telephone, have I told them about this and given them the reasons why?
- ✓ Have I trained my staff in their duties and responsibilities under the DPA, and are they putting them into practice?
- ✓ Have I got a policy for dealing with data protection issues?
- ✓ Do I need to notify?
- ✓ If I have already notified, is my notification up-to-date, or does it need removing or amending?

### More Information on Data Protection

For further details, contact the Information Commissioner's Office Helpline on 0845 6306060 or 01625 545745, or email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk).

Address: Information Commissioner's Office  
 Wycliffe House  
 Water Lane  
 Wilmslow  
 Cheshire  
 SK9 5AF

### Small Businesses:

- Data Protection and You
- Monitoring at Work: Guidance for small businesses
- CCTV Systems and the Data Protection Act 1998
- CCTV Small user checklist (to be read in conjunction with the above)

### General guidance:

- CCTV Data Protection Code of Practice
- Employment Practices Code: Part 1
- Employment Practices Code: Supplementary Guidance
- Quick Guide to the Employment Practices Code
- Legal Guidance
- Guidance on Notification
- Guidance on Privacy and Electronic Communications Regulations
- Website FAQs

## Appendix A Freedom of Information Act Summary

We have a leaflet about the Freedom of Information Act and the Data Protection Act: 'About You - personal information and how we use it'. It's also available on our website as a download.

### What you must know

- ✓ The Freedom of Information (FOI) Act came into force on 1 January 2005.
- ✓ It gives any 'person' a general right of access to information from all public authorities, including local authorities. This could be an individual or a legal entity such as a company. They don't have to give a reason for the request.
- ✓ The right applies to any written request for information, whether or not it mentions the Freedom of Information Act.
- ✓ Much of the information covered by the Act is available in leaflets or on our website for free. If the information asked for is available through other means, it is exempt from the Act. All we need to do is direct them to it, for example if it's in a leaflet, give them a copy. If the information is not easy to find or in an accessible format for them, we need to help and advise them appropriately in line with our customer service procedures.
- ✓ Requests under the FOI must be in writing, with details of the information being asked for, the name of the applicant, and an address for correspondence.
- ✓ We must respond to FOI requests within 20 working days.
- ✓ We have a 'Freedom of Information Act Application Form' applicants can fill in at the office.
- ✓ Any FOI request that would cost under £450 to answer is free.
- ✓ The FOI may cover Company information, such as leaflets, Board papers, the Management Agreement, Service Improvement Plans etc.
- ✓ Requests for personal information only are not covered by the FOI, but by the Data Protection Act (DPA), which has a different set of rules and regulations.
- ✓ We must respond to DPA requests within 40 working days.
- ✓ Although a £10 charge can be made for DPA information, we don't normally apply it. We reserve the right to apply it in some cases.
- ✓ Please see the Procedure Guide for more details. It and these notes are available on G drive J(for local Housing Offices) in: \SHARED Policy & Procedures\Freedom of Information Act. The contact for East North East Homes Leeds is Anthony Dawkins, Customer Relations Manager.

## What to do when you receive a request

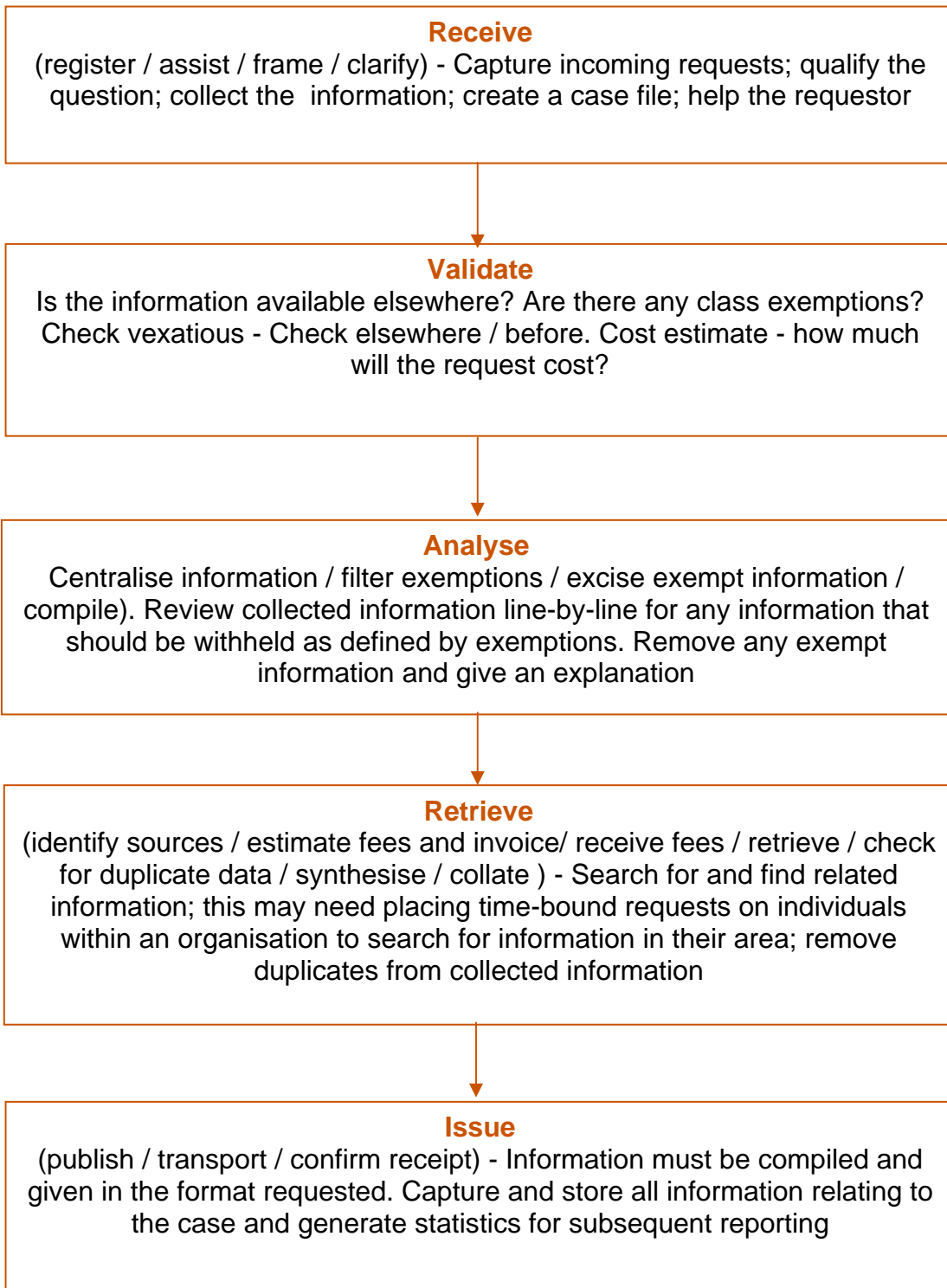
All requests for information under the FOI must be in writing (this includes e-mail). If you get a verbal request, check the information required is not readily available (eg leaflets, information on our website). If it is, help them to access it. If it's not, or if the customer prefers, ask them to complete a FOI application form if they're in the office, or write to Anthony Dawkins, East North East Homes Leeds, FREEPOST, RRJX-YRTH-TACE Leeds LS7 3YY

When a request is received in writing at any office, please date stamp it and forward it to Anthony as soon as possible. He will work with the local office to provide the appropriate response & information to the customer.

If the name, contact details or information required are missing, or if we don't understand what is being asked for, we'll write back advising this is the case.

If all the information is correct, we'll send an acknowledgement letter telling the customer we have received the request and that we will respond in full within 20 working days. All staff must provide accurate information and timescales to customers asking about FOI. If you're not sure, please refer to the Procedure Guide or to Anthony Dawkins on 2476058.

## Summary of Key Stages of FOI



## Freedom of Information Act Application Form

Please note: much of the information covered by the Freedom of Information Act is available **free** on our website: [www.enehl.org.uk](http://www.enehl.org.uk).

Your name
Your address for correspondence
Your phone number
Your e-mail address
Please list the information you want

Please use the back of this form if you need more space

We will deal with your request within 20 working days.  
If you have any enquiries, please contact Anthony Dawkins on 0113 2476058 or  
e-mail us on [enehl.enquiries@enehl.org.uk](mailto:enehl.enquiries@enehl.org.uk)

## Appendix B East North East Homes Leeds Publication Scheme

### Background

#### Freedom of Information Act

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. It sets out exemptions from that right, and places a number of obligations on public authorities. Any person who makes a request to a public authority for information has to be informed if the authority holds that information, and subject to exemptions, supplied with that information.

The Act says 'public authorities' include any 'publicly owned company.' These are companies 'wholly owned' by a public authority, and this includes where a company has no members except that public authority. East North East Homes Leeds has no members other than Leeds City Council.

The Act also requires all public authorities to adopt and maintain a publication scheme, setting out the classes of information it publishes or intends to publish, how it intends to publish each class of information, and whether a charge will be made for the information. The Scheme aims to make sure a significant amount of information is available, without people needing to ask for it. Schemes are intended to encourage organisations to publish more information pro-actively, and to develop a greater culture of openness.

The Act says that in adopting or reviewing a publication scheme, an authority must have regard to the public interest in allowing public access to information it holds, and in publicising reasons for decisions it makes. Authorities must to publish information in accordance with their Schemes and to review them from time to time.

#### Rights Of Access Generally Available To The Public

Members of the public already have certain limited legal rights to get information about what the Company is, and the decisions it makes. These are summarised below.

#### Legal Rights

- ✓ Every company must keep a register of its directors and secretaries, and must send notification of certain particulars to the Registrar Of Companies.
- ✓ Every company must have certain particulars mentioned in all business letters and order forms – place of registration and number, registered office address and, unless exempt from the obligation to use the word 'limited' the fact that it is a limited company.
- ✓ A regulated company must have mentioned on all business letters, notices etc the fact that it is a company controlled or, as the case may be, influenced by a local authority and naming the relevant authority(ies).
- ✓ A controlled company which is not an arm's length company must make available for inspection by any member of the public, a copy of the minutes of any general meeting of the company for 4 years from the date of the meeting, except where this would breach any enactment or obligation owed to any person.

## Additional Rights Of Access

In acknowledging the limited legal rights of access which existed before, the Company adopted an Access to Information Protocol that gives members of the public these rights:

- ✓ The right to attend all board meetings, and meetings of any committee or sub-group of the Board, subject only to the exceptions in the Protocol.
- ✓ The Company gives at least 5 clear days notice of the time and place of any meeting, by publishing details at the Company's head office and its Housing Offices. The notice states all the items / issues to be discussed at the meeting. No other matter should be considered at the meeting, except for business required by law to be carried out, or other business brought before the meeting as a matter of urgency
- ✓ The Company makes copies of the agenda and of reports that are open to the public ('open reports') available for inspection at the Company's head office and its Neighbourhood Housing Offices at least 5 clear days before the meeting, unless:
  - ✓ the meeting is convened at less than 5 days notice, when the papers will be immediately available.
  - ✓ an item not in the notice is added to the agenda, in which case it will be available immediately.
  - ✓ No other item is discussed unless the Chair of the meeting agrees it should be discussed as a matter of urgency. The reason for this must be given in the minutes.
- ✓ A reasonable number of copies of the agenda and open reports are made available to members of the public present at meetings and:
  - the Company supplies copies of any agenda to local newspapers before the meeting.
- ✓ The Company also supplies to any newspaper on request copies of:
  - any open reports.
  - if the Chief Executive thinks fit, copies of any other documents supplied to Board Directors connected with the item.
  - any other documents that are available for public inspection.
- ✓ The Company makes available for inspection by the public at its head office, for six years after a meeting, copies of:
  - the minutes of the meeting, excluding any parts of the minutes when the meeting was not open to the public.
  - a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record.
  - a copy of the agenda for the meeting.

- a copy of any reports relating to items when the meeting was open to the public.
- ✓ The Chief Executive makes a list of the background papers relating to the subject matter of open reports, which will be available from the time the open report is available. At least 1 copy of each of the documents included in that list will also be available for inspection at the company's head office for 4 years after the meeting. Background papers are those documents which in the Chief Executive's opinion set out any facts on which the report or an important part of it is based, and were relied on to a material extent in preparing the report.
- ✓ Copies of the Protocol are kept, and are available to the public, at the Company's head office and its Neighbourhood Housing Offices.
- ✓ Where a member of the public cannot inspect a document, there are rights of appeal. The appeal process is:
  - the person concerned must be told that a document is being withheld. They also be told why it is being withheld and how they can appeal against this decision. A decision to withhold inspection is valid and remains in force, unless and until it is altered on appeal.
  - a member of the public who is denied inspection may appeal against that decision to the Board. They may appeal on the basis that information has wrongly been treated as exempt, or may ask the Board to change its resolution to treat information as exempt.
  - the Chief Executive will report the appeal to the next Board meeting. The Board will then consider both the document withheld and the appeal, as the first item on the agenda, and (having taken advice from the Council's Director of Legal and Democratic Services) decide whether or not to release the document.
  - the Board will not release a document if it appears to them (having taken advice from the Council's Director of Legal and Democratic Services) that the disclosure would involve, or may result in, the breach of a legal duty or obligation owed by the Company or by the Council generally, or to another person.

### Limitations on these additional rights

- ✓ The public is excluded from meetings if it is likely that confidential information would be disclosed.
- ✓ The Board may exclude the public from meetings during an item of business if it is likely that exempt information would be disclosed and:
  - the meeting resolves to exclude the public, and that resolution identifies the part of the meeting it applies to, and
  - that resolution states by reference to the categories below, the description of exempt information giving rise to the exclusion of the public. References to 'the Company' in these categories also mean the Council.
  - the board may exclude the public from meetings in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

- where the meeting will determine any person's civil rights and obligations, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is needed for one of the reasons specified in Article 6.
- ✓ Confidential information means information provided to the Company by a government department which has forbidden its public disclosure, or information which cannot be disclosed publicly by court order or legislation.

## Exempt Information

This means:

1. Information relating to any individual. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act 1985 or the Charities Act 1993. "Financial or Business Affairs" includes contemplated, as well as past or current activities.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer holders under the authority. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information "Labour relations matter" are as specified in paragraphs (a) to (g) of section 218 (1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, ie matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes:
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment. Information is exempt if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Information is exempt if and so long, as in all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Information falling within any of paragraphs 1 – 7 are not exempt information if it relates to proposed development for which the planning authority may grant itself planning permission under regulation of the Town and Country Planning General Regulations 1992.

**The following will also be exempt information for some meetings of the Standards Committee or a sub committee of it\*.** (Where a Standards Committee is convened to consider a matter referred under the provision of section 60 (2) or (3), 64 (2), 70 (4) or (5) or 71 (2) of the Local Government Act 2000.

- 7A Information which is subject to any obligation of confidentiality. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 7B Information which relates in any way to matters concerning national security, information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 7C The deliberations of a Standards Committee or subcommittee in reaching any finding on a matter referred under the provisions of section 60 (2) or (3), 64 (2), 70 (4), or (5) or 71 (2) of the Local Government Act 2000. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Our Commitment To The Act**

- East North East Homes Leeds has been providing freedom of information in relation to business at its meetings significantly in excess of the legal requirements, and will continue to do so.

## The East North East Homes Leeds Publication Scheme

### The structure of the Scheme

- The Publication Scheme does not limit the public's existing rights of access to information, nor the large amounts of information which East North East Homes Leeds publishes routinely about our services.

### Changing the Scheme

- The Freedom of Information Act requires us to review the Scheme regularly. We aim to do this annually, and add classes of information wherever possible. We will then update our website and paper copies of the scheme.

### Asking for information

- We plan to make increasing amounts of information available on our website [www.enehl.org.uk](http://www.enehl.org.uk). However, information will continue to be available in other formats, such as printed copies. If you have a disability and this prevents or makes it difficult for you to read this information, we will provide it in braille, large print, audio tape or on a computer disk. If this is the case, please contact our Communications & Information Officers on 0113 2476120 so we can arrange this for you.
- The scheme gives contact details for information.
- The Chief Executive, Steve Hunt, has general responsibility for the scheme on behalf of the Company (please see contact details below).
- Jill Wildman, Director of Customer and Housing Services, is responsible for maintaining the Scheme on a day-to-day basis. Her contact details are:

East North East Homes Leeds  
Tribeca House  
71 Roundhay Road  
Leeds  
LS7 3BE

Tel. 0113 2476157

### Charges

- At present, people can download any text on our website free of charge to file or printer without our permission. This is subject to the material being reproduced accurately, and not being re-used or re-published in any way. This permission does not extend to any material on our site that belongs to someone else, for example where it is identified as being the copyright of someone else.
- Generally, there is no charge for inspection but East North East Homes Leeds makes

- reasonable charges for photocopying printed copies of documents where it is entitled to do so lawfully. Charges will comply with any legal requirements.

#### Feedback

- We welcome comments and suggestions on how we can improve our Scheme, as it's important that it meets your needs.
- Your comments on these questions will help us to review the Scheme.
- Are there any other areas of our services that you'd like us to include in our Scheme?
- Did the structure of the Scheme allow you to find the information you needed easily?
- How can we improve the Publication Scheme?

Please send your reply to

Jill Wildman  
East North East Homes Leeds  
Tribeca House  
71 Roundhay Road  
Leeds  
LS7 3BE

#### Complaints

The named officers should understand what information you have asked for, and be able to tell you whether or not it is available. If you have been told that information is not available, but you believe you are entitled to the information, please contact Jill Wildman at the above address.

If you feel your request has not been handled properly or fairly for some other reason, and this cannot be dealt with informally, the Company has a procedure for complaints. Details are on our website under 'How to Complain'. Or you can contact Anthony Dawkins our Customer Relations Manager on 0113 2476058.

#### **Classes of Information**

Information that is not included

- Some types of exempt information are exempt by provisions giving them absolute exemption. However, most types can only be treated as exempt where East North East Homes Leeds takes the view that 'in all the circumstances of the case' the public interest in maintaining the exemption outweighed the public interest in disclosing it. Given the need for this balancing exercise, we cannot say which exemptions might apply to which information in the Scheme. However, we take as restrictive a view of the exemptions as is compatible with the proper exercise of our functions as a public authority.

## Freedom of Information Act Publication Scheme Classes

<b>Class Name</b> <b>COMPANY DECISIONS</b>	
<b>Class Description</b> Agendas, reports, background papers, and minutes relating to business at Board meetings.  Minutes and action points from informal Board sub-groups.	
<b>Contact</b>  East North East Homes Leeds, tel. 0113 2476004	<b>Format</b> <ul style="list-style-type: none"><li>• Hard copies available for inspection at East North East Homes Leeds, Tribeca House 71 Roundhay Road Leeds LS7 3BE</li><li>• Copying charges apply.</li><li>• Provisions for exempt information apply.</li></ul>

<p><b>Class Name</b></p> <p><b>CONSTITUTION</b></p>	
<p><b>Class Description</b></p> <p>Memorandum and Articles of Association.  Certificate of incorporation.  List of Directors including names, addresses and contact details.  Terms of reference of Board committees and informal sub-groups.  Board Members' Code of Conduct.  Access to Information Protocol.  Scheme for the delegation of matters from the Board to the Chief Executive.  Governance checklist.  Management Agreement detailing the housing management functions delegated by Leeds City Council to East North East Homes Leeds.</p>	
<p><b>Contact</b></p> <p>Steve Hunt, Chief Executive, East North East Homes Leeds, tel. 0113 2476004</p>	<p><b>Format</b></p> <ul style="list-style-type: none"> <li>• Hard copies available for inspection.</li> <li>• Copying charges apply.</li> <li>• Provisions for exempt information apply.</li> </ul>

<b>Class Name</b>	
PUBLIC RELATIONS INFORMATION	
<b>Class Description</b>	
Tenant Newsletters	
<b>Contact</b>	<b>Format</b>
Communications Team, East North East Homes Leeds, tel. 0113 2476120	Hard copies distributed free of charge.

<p><b>Class Name</b></p> <p><b>PLANS, STRATEGIES AND REPORTS</b></p>	
<p><b>Class Description</b></p> <p><b>Annual Performance Plan</b> describing the Company's performance in the previous year.</p> <p><b>Asset Management Plan</b> which sets out how the Company intends to manage the Council's assets in respect of repairs and improvements.</p> <p><b>Business Plan</b> and <b>Business Plan Summary</b> which set out how the Company will operate in the long term (up to 30 years).</p> <p><b>Service Improvement Plan</b> which describes what the Company will do to improve the service over a three year period.</p> <p><b>Local Service Improvement Plans</b> which set out the annual improvements to be made at each service out-let.</p> <p><b>Human Resources Strategy</b> setting out the Company's plans for staffing.</p> <p><b>IT Strategy</b> setting out the Company's plans for meeting the e-Government agenda.</p> <p><b>Tenant Involvement Framework</b> and <b>Tenant Involvement Protocol</b> that set out the Company's plans for involving tenants in the decision making processes.</p> <p><b>Performance Reports</b> - monthly reports showing the Company's performance against Key Performance Indicators set by the Audit Commission and local targets set by the Company.</p>	
<p><b>Contact</b></p> <p>Anthony Dawkins, Customer Relations Manager North East Homes Leeds, tel. 0113 2476058</p>	<p><b>Format</b></p> <ul style="list-style-type: none"> <li>• Hard copies available for inspection at East North East Homes Leeds, Tribeca House, 71 Roundhay Road, Leeds LS7 3BE</li> <li>• Copying charges apply.</li> <li>• Provisions for exempt information apply.</li> </ul>

<b>Class Name</b>	
<b>FINANCIAL INFORMATION</b>	
<b>Class Description</b>	
Employer's liability insurance certificate.	
Public liability insurance certificate.	
Financial Plan.	
Budget statement.	
Company accounts.	
<b>Contact</b>	<b>Format</b>
ENEHL Finance East North East Homes Leeds, tel. 0113 2476467	<ul style="list-style-type: none"> <li>• Hard copies available for inspection at East North East Homes Leeds, Tribeca House 71 Roundhay Road Leeds LS7 3BE</li> <li>• Copying charges applicable.</li> <li>• Provisions for exempt information apply.</li> </ul>

<b>Class Name</b>	
<b>HOUSING INFORMATION</b>	
<b>Class Description</b>	
<p>About Us  Adaptations  ALMO Guide  Anti Social Behaviour  Arrears guide  Asbestos  Asylum and refugee guide  Buying your home  Community involvement  Community participation compact  Condensation and mould  Crime prevention  Customer service standards  Decorating voucher tenants  Decorating vouchers shops  Direct debits  Direct lets and CBL  Ending tenancy  Escape from high rise  Estate investment  Estate standard  Focus on change  Groups in east Leeds  Guide for new tenants  Hate crime  Heat lease  Home improvement  Homeless  Housing benefits essential 8  Improvement standards  Information for people living in our area  Insurance cover</p>	<p>Leaseholders guide  Let us know  Local information guide  Local lettings policy  Making a success of your new home  Neighbourhood watch  Paying your rent  Paypoints and PayZone  Personal information  Quick benefit guide  Recharges  Repairs service standards  Repairs  Rubbish  Safety in the home  Setting up a community group  Sheltered housing  Support services  Welcome to your local office  Welfare benefits  Winter safety</p>
<b>Contact</b>	<b>Format</b>
<p>Jill Wildman, Director of Customer and Housing Mangement East North East Homes Leeds, tel. 0113 2476157</p>	<ul style="list-style-type: none"> <li>• Hard copies available on request from East North East Homes Leeds, Tribeca House 71 Roundhay Road Leeds LS7 3BE</li> <li>• Copying charges applicable.</li> <li>• Most documents are also available on the website <a href="http://www.enehl.org.uk">www.enehl.org.uk</a> for downloading.</li> </ul>

## Appendix C FOI Act Approval Questionnaire

(April 2007)

### SECTION C

## APPROVAL QUESTIONNAIRE

### (MANDATORY)

The following will be used to assess a public authority's compliance with the Freedom of Information Act s19 (3).

#### 1. Each scheme must have regard to the public interest

- 1) What exercises, consultations and initiatives did you carry out in order to assess what information is of public interest and so should be included in your publication scheme?

Please give specific details

Consultation with tenants and residents groups within the East North East Homes Leeds area. Consultation with Tenant Board Directors. Article in the East North East Homes Leeds Newsletter.

- 2) How does your scheme provide access to records of the decisions taken by your authority together with the information upon which those decisions were based and the decisions making process?

Please give specific details

All Board Agendas and Reports are available to the public other than for exempt items as defined within our published Access to Information Protocol. Board Meetings are open to the public and minutes of all decisions are available as hard copy. Eventually all Agendas, Reports and Minutes will be available on our Website.

- 3) Have you considered frequently asked questions and specific areas of interest when determining your classes of information?

Please give specific details

Our classes of information directly relate to most common requests for information - these are mainly reproduced as leaflets. Our quarterly newsletter picks up less frequently raised issues. We continually review our information provision and address new issues as they arise.

- 4) Have you made information available within your scheme that has not previously been made available under other information regimes?

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Updated 27/07/09

If YES, please give details of new information

If NO, please give reasons why no new information is to be made available

As a new Company we adopted the Leeds City Council Information Protocol from our establishment as EastNorthEastHomes Leeds in February 2008. We are constantly considering other information that we can make available. We produce quarterly newsletters for tenants and revise our leaflet coverage continually. We publish our leaflets and a range of other information on our website. We have progressively increased the range of languages we produce our information in as we have engaged in community profiling to better understand our client base (see page 2 of this Guide).

- 5) Have you decided not to include in your scheme any information which has been made available by you in the past?

If YES, please give specific details

No.

- 6) What steps have been taken to produce your publication scheme in alternative formats and languages so that it is accessible to individuals with disabilities, those who do not have English as their first language or those in disadvantaged communities?

Please give specific examples

All our leaflets and our newsletter are reproduced in a range of languages that reflects our local community requirements. We have progressively increased the range of languages we produce our information in as we have engaged in community profiling to better understand our client base (see page 2 of this Guide). We also produce our information on tape and, if requested, in large print or Braille. We publish our leaflets and a range of other information on our website, which can be accessed by people with a

