

PE1539/I

Response on behalf of the Dumfries and Galloway Housing Partnership to Petition No PE1539 seeking to incorporate Registered Social Landlords into the provisions of the Freedom of Information (Scotland) Act 2002

The Dumfries and Galloway Housing Partnership (DGHP) is a registered social landlord, registration number 315, having its principal place of business at Grierson House, The Crichton, Bankend Road Dumfries.

It is the opinion of DGHP that to amend the Freedom of Information Scotland Act 2002 to incorporate Registered Social Landlords into having to comply with the provisions of the Act would be seriously detrimental to the future functioning of RSL's throughout Scotland. This assertion is made based upon the following reasons:

1. Registered Social Landlords are private companies, all be it not for profit, and as such require to compete within the commercial market place. This results in decisions having to be taken on a commercial basis from time to time which should not be published. Whilst there are a number of exceptions within the Act to protect the disclosure of some of this information the exceptions are narrowly defined in order to ensure that maximum information can be disclosed and accordingly RSL's may suffer within the commercial market place.
2. The issues that are raised by the Petitioner seem to relate more to a lack of consultation and her disagreement with a number of decisions that her RSL made. DGHP fully consults with its tenants prior to making any policy decisions and involves tenants fully within the organisation. There will of course be occasions when some tenants are not happy about decisions that are made and the Freedom of Information Act should not be used as a threat by disgruntled tenants or indeed as another method of challenge to get a decision overturned. Vexatious complainers could waste considerable amounts of company resources putting in frivolous FOI claims in an attempt to have the company discredited.
3. DGHP's principal source of income comes from its tenants' rent. They have a duty to spend that money in an open and transparent manner that is for the benefit of its tenants. It is likely that should RSL's be included within the FOI Act the number of requests, particularly at the time of incorporation, would be so many that a large additional resource would require to be put into place by the company. This means that more of the tenants rent would be spent on resourcing a particular tool that is likely to be only used by a minority of tenants and journalists thus not being used for the benefit of tenants in general.