

Request for Information

Ref: 00035 FOI

Freedom of Information (Scotland) Act 2002

**Questions**

*Any complaints at all, by previous tenants about neighbour. As Tenants/Residents can be identified we have removed the address to ensure confidentiality is maintained.*

This has been processed under the Freedom of Information (Scotland) Act 2002. Your request has been considered and although we hold the requested information, it was not possible to provide the requestor with the data on this occasion.

Under the terms of the legislation, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, Scottish Borders Housing Association is applying the following exemptions to the information that you have requested:

Part 2 Exemption Information paragraph 36 Confidentiality

- (1) Information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings is exempt information.
- (2) Information is exempt information if—
  - (a) it was obtained by a Scottish public authority from another person (including another such authority); and
  - (b) its disclosure by the authority so obtaining it to the public (otherwise than under this Act) would constitute a breach of confidence actionable by that person or any other person.

In line with Section 16 of Freedom of Information (Scotland) Act 2002 the reason these exemptions are being used is due to confidentiality within ASB Policy paragraph 13 which has been inserted below:

13.0 CONFIDENTIALITY 13.1 Subject to any legal requirements, any information received by SBHA will be treated in confidence. In any particular case of ASB, disclosure of information by SBHA to any other party (subject to any legal requirements) will not occur without the permission of the person who provided the information unless required to do so by law. It is recognised, however, that parties involved in cases can often be identified from the nature of the complaints made.

13.2 As detailed in the Data Protection & Information Sharing section above, information may be shared with other agencies for the purpose of crime prevention, prosecution of offenders and legal proceedings.

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