

Request:

1. How many social housing tenants in total were evicted from your properties between 6 September 2022 and 31 March 2024, ie over the course of the Cost of Living (Tenant Protection) (Scotland) Act 2022?
2. How many of these tenants were evicted due to rent arrears?
3. How many of these tenants were evicted due to anti-social behaviour?
4. Please disclose all other reasons for which social tenants were evicted during this period?

Many thanks and let me know if you have any questions.

Response:

We acknowledge your request for information under the Freedom of Information Scotland Act (FOISA), made on 7th May 2024 where you requested information regarding incidents of tenant eviction.

Riverside Scotland can confirm that it holds information relating to your request and provides the following responses in blue:

1. How many social housing tenants in total were evicted from your properties between 6 September 2022 and 31 March 2024, ie over the course of the Cost of Living (Tenant Protection) (Scotland) Act 2022? **Less than 5**
2. How many of these tenants were evicted due to rent arrears? **Less than 5**
3. How many of these tenants were evicted due to anti-social behaviour? **0**
4. Please disclose all other reasons for which social tenants were evicted during this period? **0**

With regards to your request, in view of the low numbers/information involved, we have cited 'Less than 5' for questions 1 and 2, as we believe there is the risk of possible identification of individuals. Consequently, your request is considered exempt from disclosure under Section 38(1) – 'Personal Data' of the Freedom of Information (Scotland) Act 2002.

For the purposes of context 'personal information' has the same meaning as 'personal data'.

Personal data is defined in Article 4 (1) of the UK General Data Protection Regulations (UK GDPR) and further clarified under Part 1 (3) of the Data Protection Act 2018, as information relating to an identified or identifiable living individual.

Section 38 (1)(b) of the FOISA, allows the withholding of personal data if the data protection principles would be breached by its disclosure. Article 5(1)(a) of the UK GDPR and Part 1(2) of the Data Protection Act 2018 requires that personal data is processed lawfully and fairly.

In order, to be 'lawful' a condition must be met from Article 6 of the UK GDPR and although you may feel there is a legitimate interest in requesting the information, it cannot be fulfilled without prejudice to the individual's rights and freedoms; in particular their right to privacy, so hence a condition in Article 6 cannot be met. Consequently, as Article 5(1)(a) of the UK GDPR cannot be met, the exemption under FOISA is engaged.

Further whilst we acknowledge your request only seeks to be provided with numerical information, it is an issue that such statistical information is not truly anonymous. This is

because it could assist in being part of a wider volume of requests or other available information that subsequently leads to the identity of a living individual. A process commonly known as the 'mosaic effect'.

It is for this reason why Riverside Scotland has taken the decision to withhold the information sought for questions 1 and 2 of your request.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 days of the date of receipt of your original response and should be forwarded to:

foi@riverside.org.uk

However, if you are not content with the outcome of the internal review, you have the right to apply directly to the Scottish Information Commissioner for a decision via the following details:

Email

enquiries@itspublicknowledge.info

Post

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone

01334 464610

Kind regards,

FOI Team
The Riverside Group