



Our Reference:

BY EMAIL ONLY

6 May 2015

Dear

Request for Information

Thank you for your email dated 6 March 2015 requesting the following information:

Under the Freedom of Information Act, please send me the electronic and paper correspondence between Hyde housing association and the regulation arm of the HCA between January 2012 and March 2015.

We have now had the opportunity to investigate your request and are writing to communicate our response. We have located a large amount of correspondence within the scope of your request.

Whilst we have been able to make a large amount of information available to you, we have withheld some information as it falls under Section 31 of the Freedom of Information Act (FOIA). The Homes and Communities Agency (HCA) works with Registered Providers (RPs) in a variety of ways, including corresponding with them to discuss areas of concern which may require further information to be supplied, to ascertain if regulatory action is needed. The HCA considers that disclosure of the withheld information would hinder the HCA's ability to exercise its statutory regulatory powers as set out in the Housing Regeneration Act 2008 (HRA) for future investigations as it could compromise our ability to request information, discuss issues and receive candid information from RPs. In light of the above, exemption Section 31(1)(g)(2)(a) is engaged.

Section 31 – Law Enforcement

31. (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice -

- g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)

(2) The purposes are (in this case):

- a) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment may exist or may arise

To maintain this exemption we also need to consider the Public Interest Test factors in favour of disclosure and non-disclosure. Below we have set out both arguments.

Public Interest test – factors in favour of disclosure

We recognise that there is a public interest in operating transparently and being held to account in how we regulate RPs.

We also recognise that it is of interest to the public to understand how the HCA conducts investigations and how it works with RPs at such times.

Further, there would be public interest in releasing this information to provide the public with the ability to challenge or make comment on the issues discussed.

Public Interest test – factors in favour of non-disclosure

Disclosure would harm our ability to conduct future assessments/investigations if the bodies we regulate cannot be candid with us. It could also affect the voluntary supply of information either from the RPs themselves or other parties wishing to remain confidential in matters concerning the possibility of regulatory action. These outcomes would have a negative impact on our ability to regulate in accordance with our statutory obligations.

The HCA considers there is more than enough published information on how we regulate RPs. We also publish all Regulatory Notices and Judgements [here](#), so providing detailed information that reveals candid discussions would not further enable to public the understand our regulatory process and is therefore not in the public interest to release it.

We also consider that as the information is specific to Hyde Housing Association and the information may not be of general public interest but only of interest to parties involved with the Housing Association.

We have therefore concluded that the balance falls in favour of non-disclosure at this time. We would however state that the public interest is continually changing and that whilst we are unable to release this information at this time, we welcome all requests for information and a future request on this matter would again be considered against the prevailing public interest of that time.

Further to the above, a small amount of information has been withheld as it is the personal data of a third party. This has been withheld under Section 40(2) of FOIA.

Section 40(2) – Personal Data of a third party

Section 40(2) of the Act permits a public authority to withhold information where disclosure would be in breach of any of the Principles of the Data Protection Act. Disclosure of certain information within the documents would be likely to breach the First Data Protection Principle, as it would exceed the Data Subjects' expectations as to how their

information would be processed. This exemption is absolute and therefore no public interest test needs to be carried out to apply the exemption.

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

Email: mail@homesandcommunities.co.uk

Mail: Information Access Officer
Homes and Communities Agency
Fry Building
2 Marsham Street
London
SW1P 4DF

If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

Head of Legal Services
Homes and Communities Agency
Fry Building
2 Marsham Street
London
SW1P 4DF

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at

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

Yours sincerely

Naomi McMaster
Information Access Officer
Homes and Communities Agency