



Our Reference:

BY EMAIL ONLY

5 May 2016

Dear

Request for Information

Thank you for your email dated 21 March 2016 requesting the following information in pursuance of the Freedom of Information Act 2000 (FOIA).

I am requesting under the Freedom of Information Act the Homes and Community Agency "spreadsheet to record and monitor progress" that was used to collate information on disposals and transfers of public land by every government department from 2011 to 2015 to track delivery of policy.

This system is described on p14 of the National Audit Office report: Disposal of public land for new homes

We have now had the time to investigate your request and are writing to communicate our response.

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/disposal-of-public-land-for-new-homes-progress-review/written/30160.html>

You have requested information that is referred to in the National Audit Office report which is a full spread sheet used to record and monitor progress rather than use pre-existing systems, which Homes and Communities Agency (HCA) felt were not capable of recording the information it required. We consider that supplying the full spread sheet would have the potential to harm the HCA's commercial interest and is therefore withheld under Section 43(2) of the Freedom of Information Act 2000 (FOIA). A summary of this section is below along with the relevant public interest test arguments.

Although we are unable to provide you with the full spread sheet, the list of disposals is published and you can find that via the link below. We hope that this published information offers you the information you require.

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/disposal-of-public-land-for-new-homes-progress-review/written/30160.html>

Section 43(2) – Prejudice to Commercial Interests

Section 43(2) of the Act permits a public authority to withhold information where disclosure “would, or would be likely to, prejudice the commercial interests of any party,” including the public authority holding the information. Section 43 of FOIA requires a Public Interest Test to be carried in order to see where the weight of arguments lies in relation to disclosure of the information. Below, we have provided you with arguments both for and against disclosure.

Public Interest Test – Factors in favour of disclosure

Disclosure of the requested information would help demonstrate HCA’s commitment to the Principles of transparency and accountability.

Disclosing information helps further the public scrutiny of the activities and management of the HCA. This helps to serve the public interest by enabling interested individuals to be fully empowered of all the facts when considering the activities of HCA.

There is a legitimate public interest in ensuring that public authorities are operating effectively and in line with their organisational objectives, and that they are obtaining the maximum value for money for the public purse.

Public Interest test – Factors in favour of non-disclosure

Whilst we appreciate the factors above, disclosure of the full spread sheet would be detrimental to the way in which the HCA collects and processes its disposals data. It would hinder our ability to continue to have internal working documents that are used by staff to update them of the current position on projects, prior to disposals, including notes made on risks and milestones that would harm the HCA, and its commercial partners, commercially if disclosed. Actual completed disposals are disposals in the public domain as mentioned above.

Further, the information is gathered from other government departments and disclosure could hinder the ability to effectively collect the correct information if it was likely that disclosure was a possibility due to FOIA requests.

The HCA considers that maintaining the exemption outweighs the public interest in disclosure, so providing detailed information that reveals internal working information would not further enable to public the understand our process.

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
Online: <https://ico.org.uk/concerns/getting/>

Yours sincerely

Naomi McMaster
Information Access Officer
Homes and Communities Agency