

Date: 01/02/19
Our Ref: RFI2535
Your Ref: FOI Request – Northern Arc
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

[REDACTED]
By Email Only

Windsor House
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI2535

We write in relation to your request for information. Upon further review of the information held we have concluded that your request falls within the remit of the Environmental Information Regulations 2014 (EIR) rather than the Freedom of Information Act 2000 (FOIA).

Further to our letter of 14th November 2018, we legitimately extended the timeframe in providing a response to your request for information, which at the time, we were considering under FOIA. We extended the timeframe as we required more time to consider the public interest test. In accordance with EIR legislation we are able to also extend the timeframe up to a further 40 working days. However, we note that there has been a delay and we are sorry for any inconvenience this may have caused.

For clarification, you requested the following information:

Ansty and Staplefield Parish Council wish to make a Freedom of Information request for meeting minutes, correspondence, studies and reports that refer to the management of traffic arising from the Northern Arc, and meeting minutes, correspondence, studies and reports that refer to the main arterial road through the Northern Arc.

Response

We are able to confirm that we do hold the information that falls within the scope of your request. We enclose the information held in Annex A which is attached to this response.

We have however made some redactions to the information held to which we are withholding from disclosure.

In order to withhold exempt information EIR exceptions under the regulations must be applied. The exceptions that we rely on in order to withhold the redacted information are detailed below.

Regulation 12(3) and 12(13) – Personal Information

Some of the information requested engages Regulation 12(3) and 12(13) of the EIR on the grounds that it constitutes third party personal data.

To disclose personal data, such as names, contact details, addresses, email addresses could lead to the identification of third parties and would breach one or more of the data protection principles.

We have shown redactions made in accordance in Regulation 12(3) and 12(13) in black.

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The full text of the exceptions can be found on the following links;

<http://www.legislation.gov.uk/uksi/2004/3391/regulation/12/made>

<http://www.legislation.gov.uk/uksi/2004/3391/regulation/13/made>

Regulation 12(4)(e) – Internal Communications

Some of the information requested engages the exception of Regulation 12(4)(e) of the EIR on the grounds it would disclose internal communications contained within emails.

Regulation 12(2) states that we shall apply a presumption in favour of disclosure.

This is a qualified exception and even if the exception is engaged, we must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose internal communications as it would not be in the public interest to inform the wider public of discussions that require free and frank discussion between internal staff. To disclose such information would prejudice the ability of the organisation to have future discussion of deliberation and would therefore discourage views to be exchanged on future projects which then may in turn not be the best outcome for the wider public.

We have shown redactions made in accordance in Regulation 12(4)(e) in red.

The full text of the exceptions can be found on the following links;

<http://www.legislation.gov.uk/uksi/2004/3391/regulation/12/made>

Regulation 12(5)(e) – Commercial Information

Some of the information requested engages the exception of Regulation 12(5)(e) of the EIR on the grounds that the information is commercial information.

Regulation 12(2) states that we shall apply a presumption in favour of disclosure.

This is a qualified exception and even if the exception is engaged, we must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

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Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose commercial information as it would, if made public, adversely affect the confidentiality of information surrounding this development. This in turn would prejudice future agreements and development proposals with third parties as it would be likely to weaken contractual relationships and being able to negotiate future deals which would not be cost effective for the wider public, the organisation and third parties.

We have also shown redactions made in accordance in Regulation 12(5)(e) in red.

The full text of the exceptions can be found on the following links;

<http://www.legislation.gov.uk/uksi/2004/3391/regulation/12/made>

Please note that we have extracted the content from page 340 and 341 of Annex A and have inserted the content of these pages as an addition on page 423 and 433, this is to enable the view of the whole content.

Right to Appeal

If you are not happy with the information that has been provided you may request an internal review by writing to;

The Information Access Team
Windsor House
50 Victoria Street
London
SW1H 0TL

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

Information Access Team
For Homes England