



Homes
England

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#MakingHomesHappen

[REDACTED]
By email only to: [REDACTED]

25 March 2019

Dear [REDACTED]

Freedom of Information Act 2000 (FOIA)
Our reference: RFI2599

Thank you for your email of 28 January 2018. I am writing in response to your request for information held by Homes England which has been processed under the FOIA.

For clarification, you made the following request:

I would like to request for data of "Help to Buy: Equity Loan" with the following criteria and variables. I only request for completions in London from the start of the scheme to the most recently available (should be 2013 to 2018). The variable of most interest is the breakdown of the purchase price: value of equity loan, deposits and mortgage. I would also like to know the postal code of the property (if not possible, the first half of postal code is fine), the date of purchase, and the developer's company name. Lastly, if possible and not too much work, do you have records on repayment of equity loan? For example, I would image someone would fully repay the equity loan after the interest free period or when the housing price is crushing.

Response

I can confirm that Homes England holds the information that you have requested however in this case we are withholding the information as it is exempt from disclosure under section 40 and section 43 of the FOIA. Further details are provided below.

It may be helpful to know that Homes England publishes figures on the performance of the Help to Buy scheme. This information is available on the gov.uk website here:

<https://www.gov.uk/government/statistics/help-to-buy-equity-loan-scheme-statistics-april-2013-to-30-june-2018>

Section 40 – Personal information

We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the data protection principles as defined in section 40(7) of the FOIA.

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Homes England have determined that providing the financial breakdown of a property in the manner requested is personal data of a third party, and to release the information requested would breach the first data protection principle.

When assessing whether disclosure would be fair under the first data protection principle, we have taken into consideration what individuals were told when providing information and their expectation on how that information will be processed.

Section 40(2) is an absolute exemption. This means that we do not have to consider the public interest in disclosure. Once it is established that the information is personal data of a third party, and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text of section 40 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Section 43 – Commercial interests

We are not obliged, under section 43(2) of the Act, to provide information if its disclosure would, or would be likely to, prejudice the commercial interests of Homes England or any other party.

Homes England has determined that releasing information relating to the name of the Developer for each property and any records of repayment of equity loans would be likely to cause a prejudice to commercial interests.

Section 43(2) is a qualified exemption; this means that Homes England must carry out a public interest test to decide whether the information should be released even if the exemption is engaged.

Details of the public interest test carried out for each exemption category of information is provided below.

Developer Name

Arguments in favour of disclosure:

- Homes England accepts there are some public interest in disclosing the information to promote transparency and accountability of public authorities to enable greater public awareness and understanding of how Homes England undertakes its work.

Arguments in favour of withholding:

- Disclosure of the developer's company name alongside their equity loan sales to the wider public would allow developers to analyse the information to their commercial advantage when submitting forecast proposals. This would be likely to prejudice our ability to agree contractual forecasts with those developers;

- Disclosing details of developer's forecasts would also be likely to prejudice our ability to engage with a developer and in turn, our ability to robustly challenge developers on annual progress in comparison with those forecasts;
- Homes England actively publishes figures on the performance of the Help to Buy scheme in order to actively promote transparency; and
- Homes England considers that the content of the information, when considered against the fact that information is already published on the performance of the scheme, would not further contribute to the public debate on this matter and is therefore of no wider public interest.

Having considered the arguments both for and against disclosure of the information, Homes England has concluded that the balance of the public interest test favours withholding the information at this time.

Records of any equity loan repayment

Arguments in favour of disclosure:

- Homes England accepts there are some public interest in disclosing the information to promote transparency and accountability of public authorities to enable greater public awareness and understanding of how Homes England undertakes its work.

Arguments in favour of withholding:

- Disclosure of records of equity loan repayments would enable third parties to make assumptions on the valuation of the loan book. This would prejudice the commercial interests of Homes England and the Government.
- Homes England actively publishes figures on the performance of the Help to Buy scheme in order to actively promote transparency; and
- Homes England considers that the content of the information, when considered against the fact that information is already published on the performance of the scheme, would not further contribute to the public debate on this matter and is therefore of no wider public interest.

Having considered the arguments both for and against disclosure of the information, Homes England has concluded that the balance of the public interest test favours withholding the information at this time.

Right to appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: foi@homesengland.gov.uk

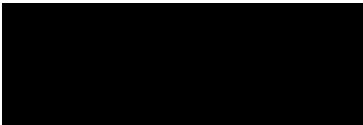
Information Access Team
Windsor House
50 Victoria Street
London
SW1H 0TL

You may also complain to the Information Commissioner's Office (ICO) 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. We may be required to disclose your request and our response accordingly.

Yours sincerely



Information Access - Homes England