

Date: 29/05/19
Our Ref: RFI2652
Your Ref: FOI Request – Liverpool Council Grant Funding
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

[REDACTED]
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI2652

Thank you for your request for information, which was processed under the Freedom of Information Act 2000 (FOIA).

For clarification, you requested the following information:

I would like to make a FOI request for documents relating to the application by Liverpool Council for the Clusters of Empty Homes Fund, for which Liverpool Council was allocated £14 million by the Government.

Response

Please find enclosed to this response Annex A which contains the information held that falls within the scope of your request.

Section 43 - Commercial interests

Some of the information requested engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency.

Section 43 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

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 some information surrounding the application by Liverpool Council for the Cluster of Empty Homes Fund.

We believe that disclosing some of the information contained within Annex A would be likely to prejudice the commercial interests of the Agency and would also pose a threat to the Agency's internal application process.

To disclosure some of the redacted information would be likely to detrimentally affect our ongoing and future commercial relationships with third parties. This would prejudice the ability of Homes England to effectively manage the any terms of the project and any future terms of future projects and could financially prejudice Homes England which would not be an effective use of public money.

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It is also our view that disclosure of the redacted information could be detrimental concerning future applications of a similar nature; if the wider public is provided with such information it could be used to exploit the procurement process for profit or other gain.

Therefore, after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

Section 40 – Personal information

We have redacted some information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

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

Section 40 is an absolute exemption which means that we do not need 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 in the legislation can be found on the following link;

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

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 by writing to;

The Information Access Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to foi@homesengland.gov.uk

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/>

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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