

Date: 05/06/19
Our Ref: RFI2658
Your Ref: FOI Request – Valuation Office Agency
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

██████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI2658

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:

- 1) *The job description of ██████████ and ██████████*
- 2) *Who is responsible for liaising with the VOA to make sure any certificates raised are in accordance with works carried out.*
- 3) *Documented details of correspondence between the ██████████ and ██████████ from the VOA.*
- 4) *Who actually employed the VOA, not who is responsible for the fees.*
- 5) *Who is liable for negligence from the VOA.*

Response

We are able to confirm that we do hold the information that falls within the scope of your request.

We will address each of your points in turn;

- 1) *The job description of ██████████ and ██████████.*

The job description for the role of Specialist Portfolio Manager is enclosed as Annex A.

- 2) *Who is responsible for liaising with the VOA to make sure any certificates raised are in accordance with works carried out.*

The Building Contract, Contract Administrator is responsible for liaising with the VOA.

- 3) *Documented details of correspondence between the ██████████ and ██████████ from the VOA.*

We are able to inform you that we do hold the information that you have requested and correspondence between ██████████ and ██████████ from the VOA is enclosed as Annex B. However, we rely on Section 40 of the FOIA and section 43 of the FOIA to withhold some information from disclosure.

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Section 40 – Personal information

We have redacted and are withholding information on the grounds that it constitutes your personal data and therefore engages section 40(1) of the FOIA and third-party personal data which engages section 40(2) for the FOIA.

To disclose your personal data and third-party personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the wider public being able to identify you and third parties concerned. This in turn would breach one or more of the data protection principles.

If you wish to submit a right of access request in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) for your personal data then please do let us know.

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>

Section 43 - Commercial interests

The information requested also contains data in the form of company bank details. This data engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of your company as a third party.

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 to the wider public a company's bank details as it would be likely to prejudice the commercial interests of the company, that being a third party.

If bank details were to be disclosed then it would be likely to expose the third party to fraudulent activity which in turn then may suffer a commercial impact in terms of monetary value. We also feel that the bank details that are contained within the information hold no relevance and that they would have little impact on the content of the information being disclosed.

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>

4) *Who actually employed the VOA, not who is responsible for the fees.*

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Homes England employed the VOA.

5) *Who is liable for negligence from the VOA.*

The VOA is liable for negligence.

Discretionary Disclosure

Part of your request (detailed below) is not a valid request for information in accordance with the FOIA as it does not seek recorded information held by Homes England. You require clarification on this matter and we will therefore assist you with this point as a general enquiry and outside of the FOIA.

Clarification of the responsibility of the VOA to the HCA, as per heads of terms.

We can advise you that the VOA assess risks and provide technical advice to the lender on the project. This is detailed in the MS Instruction Letter provided by [REDACTED] to [REDACTED] via email on 1st April 2019.

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/>

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