

Date: 01/07/2019
Our Ref: RFI2697
Your Ref: FOI Request – Contract Register
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 – RFI2697

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

I want to submit a request for some information from the organisation, in relation to their contract's register.

The contract register should display all the organisations existing/live contracts I would like the register to display the following columns/headings:

1. *Contract Reference*
2. *Contract Title*
3. *Procurement Category*
4. *Supplier Name*
5. *Spend (Total or Annual)*
6. *Contract Duration*
7. *Contract Extensions*
8. *Contract Starting Date*
9. *Expiration Date*
10. *Contract Description [Please provide me with as much detail as possible.]*
11. *Contact Owner (Full contact details if possible.)*
12. *CPV codes/ProClass*
13. *Contract Reference*

IMPORTANT

1. *For those organisation planning to make an exemption, the spend information I have requested is an overall figure and I am not requesting a complete breakdown of services relating to the spend.*
2. *If the organisation has a CRM system or a similar system there should be a facility to download and extract contract data.*
3. *You may forward me a Weblink to a portal to download the contract register, please make sure all of the organisation's contracts are provided as doing prior research I have found that most organisations have only uploaded a small portion of all of their contracts.*

Please do not think that this is the only information I require if you could provide me with more information that would be great.

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Contract Data/API Contact Details

14. Can you also provide me with contact details of the person responsible for the actual contract's register or someone responsible for API? [Name, Job Title, Telephone, Email Address] At the very least provide me with their actual job title.

(Meaning of API "a set of functions and procedures that allow the creation of applications which access the features or data of an operating system, application, or other service.")

Please provide me with the contract's register file in an excel format.

Response

We are able to inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere, and Section 22, exemption where information is intended for future publication under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

The full text of the legislation can be found on the following link and we have quoted section 22 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/22>

Section 22 - Information intended for future publication.

(1) Information is exempt information if:

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

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(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

Section 22 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 is reasonable and sensible to withhold disclosure of the information until the date(s) of publication on Contract Finder.

To withhold information until full details are published and available reflects both Homes England's and other government agency publication schemes and is in line with the accepted mechanism of release for this type of information.

Homes England believes that we should not release the information in advance of publication through Contract Finder as the information relates to ongoing tenders for which details have not yet been finalised. To release would give the wider public information that could be used to cause detriment to ongoing tenders or lead to misleading conclusions being formed by incomplete data that has not yet been finalised.

The information requested is continually being updated and collated by the relevant teams at Homes England and therefore requires internal consideration and attention before its published release in the correct format.

The timeframe for publication on Contract Finder is both imminent and ongoing and therefore Homes England believes that the information requested should only be released as part of the intended publication scheme (Contract Finder). To release prior to this would serve no public purpose.

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

Contract Data/API Contact Details

The department (not person as requested) responsible for this information is Central Procurement (centralprocurement@homesengland.gov.uk).

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA.

A list of current contracts can be found by searching "Homes England" on Contracts Finder (<https://www.gov.uk/contracts-finder>). A consultation is currently in place to ensure all details on contract finder are up to date. Future contracts will be published on contracts finder shortly after each contract is awarded.

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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