

Date: 24/09/2019  
Our Ref: RFI2770  
Your Ref: FOI Request – Business Continuity  
Tel: 0300 1234 500  
Email: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)



Homes  
England

██████████  
By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear ██████████,

**RE: Request for Information – RFI2770**

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

*Please provide me with a copy of your business continuity policy and business continuity strategy.*

**Response**

We can confirm that we do hold the requested information. Please note that these documents refer to the Homes and Communities Agency (HCA) throughout. Homes England is the trading name of Homes and Communities Agency (the legal entity) and was launched by the Secretary of State on 11 January 2018.

Please find enclosed our Business Continuity Management Framework Policy (Annex A) and Strategy (Annex B). Some of the information has been redacted in accordance with section 40 and section 38 of the FOIA. Further information on the use of these exemptions is provided below.

**Section 40 – Personal information**

We have redacted 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>

**Section 38 – Health and Safety**

We have redacted information on page 6 (footnote 3) of Annex A as it engages section 38(1) of the FOIA. Release of this information would be likely to endanger the health and/or safety of an individual. The information relates to specific systems at particular Homes England Office sites. To disclose this information would endanger the safety of individuals at these offices.

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Section 38 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money.

Arguments in favour of withholding:

- To disclose this information could lead to targeted attacks on Homes England IT/Security systems as the information could be used to compromise the security and systems at these sites;
- To disclose this information to the wider public would undermine the functioning of systems designed to protect the safety of individuals and Homes England staff at these sites;
- If the information is in the public domain there is a real and tangible risk that it could be used to coordinate a cyber-attack at these sites; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours 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/38>

**Advice and Assistance**

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. We can advise that as part of our current re-structure, the Business Continuity Policy and Strategy documents are currently undergoing significant re-drafting. As such, the Annexes supplied will soon no-longer reflect Homes England current practice. Our new Policy and Strategy are currently in draft form and due to be formally in place by the end of 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 – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

OFFICIAL

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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