

Date: 23/09/2019
Our Ref: RFI2772
Your Ref: FOI Request – Home Building Fund
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 – RFI2772

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

Under The Freedom of Information Act (FOIA) which gives a clear right to access recorded information held by [public sector organisations](#) please share the list of all building companies which were awarded loans by the Home Building Fund and the corresponding details: Company Name, Contact details, City, Loan Value and Project location etc.

Response

We can confirm that we do hold the requested information. Please find attached Annex A, which shows the details of the project name and location, Local Authority area and company name for all building companies awarded loans by the Home Building Fund.

For ease of clarity, we will address each of the specific details in you request in turn below:

1) *Company Name*

This information is provided in Annex A.

2) *Contact details*

We are able to inform you that we do hold the information that you have requested. However, we rely on Section 40 (2) of the FOIA to withhold the information from disclosure.

Section 40 – Personal information

We are withholding 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>

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3) City

This information is provided in Annex A.

4) Loan Value

I can confirm that Homes England holds the information requested, however in this case we are withholding the information under section 43(2).

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to the value of loans awarded engages section 43(2) of the FOIA as its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of the Home Building Fund.

Section 43 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:

- Releasing the information could reveal financial information of the borrower which may in turn affect their commercial interests;
- Releasing information in relation to certain parties in a competitive market would be likely to distort competition, making it a less competitive process, which would not be in the public interest;
- Disclosure would result in bidders being deterred from applying for funds if the fund amount is publicly available, this would result in a less competitive market, which would adversely affect public funds;
- If information relating to funding is in the public domain, the bidding process for funding could be impaired. This will mean that Homes England has to evaluate bids that are less comprehensive than would otherwise have been the case, meaning that Homes England's ability to undertake due diligence on the bids will be impaired. This will result in decision makers not taking all relevant information into account, meaning the decisions will be less robust and less likely to deliver value for money;
- Releasing this information would reveal commercial information that borrowers would not typically expect us to reveal in line with our funding agreement. Other borrowers and lenders could use this

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information in a way that could impact the fund's delivery and it's ability to meet the stated policy objectives which would not be in the public interest; 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/43>

5) *Project location*

This information is provided in Annex A.

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