



Homes  
England

Date: 20/03/2020

Our Ref: RFI2927

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████  
By Email Only

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

Dear ██████████,

**RE: Request for Information – RFI2927**

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:

*Under the freedom of information act, can you please provide me a list of properties (including their addresses) that you are responsible for payment of business rates, which are currently empty.*

**Response**

**Section 38 – Health & Safety**

Under section 38 Homes England is not obliged to disclose information that would, or would be likely to, endanger the physical or mental health of an individual, or the safety of any individual.

The information requested relating to empty properties engages section 38 of the FOIA as release of the information would be likely to endanger the physical health and safety of an individual/individuals.

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:**

- Releasing the requested information would give the public detailed knowledge of the location of empty properties. If this information were in the public domain, it could encourage trespass and vandalism. Releasing the information of vacant properties would put members of the public at risk and endanger their safety as the properties listed are not occupied and some in varying states of repair/dis-repair. There could be dangerous or hazardous materials or works underway at these properties and if this information were in

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the public domain members of the public would be at risk of harm if they were to attempt to access these properties; 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 the legislation can be found on the following link;

<http://www.legislation.gov.uk/ukpga/2000/36/section/38>

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

Or by email to [infogov@homesengland.gov.uk](mailto:infogov@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,

**The Information Governance Team**  
For Homes England