



Homes  
England

Date: 28 August 2020

Our Ref: RFI3067

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto: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 – RFI3067**

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

*Could we please receive a breakdown by ethnicity of*

- a) your chair / all of your chairs (if your organisation has multiple chairpersons)*
- b) all of your board members.*

**Response**

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

*Could we please receive a breakdown by ethnicity of*

- a) your chair / all of your chairs (if your organisation has multiple chairpersons)*

**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.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant and if disclosure would breach one or more of the data protection principles in Article 5(1) of the General Data Protection Regulations and section 34(1) of the Data Protection Act 2018.

To disclose personal data such as ethnicity could lead to the identification of an individual and would contravene the first data protection principle, which provides that processing of personal information is lawful and fair.

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.

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The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

*Could we please receive a breakdown by ethnicity of*

*b) all of your board members.*

#### 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.

The numbers in one or more categories of the personal data requested are fewer than five. To disclose a breakdown where the numbers are fewer than five could lead to the individuals in this group or any other group being identifiable. This would result in breach of the data protection principles. To withhold information where the number is fewer than five is the standard approach to statistical reporting.

#### **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