



Homes
England

Date: 2 September 2020

Our Ref: RFI3046

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3046

Thank you for your request for information which we have processed in accordance the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR)

For clarification, you requested the following information:

Re: Former Kings School, Fence Avenue, Macclesfield

Can you please provide a copy of the marketing details you circulated to the market.

Would you please provide details of the sales pack.

Response

We can confirm that we do hold information that falls within the scope of your request.

Environmental Information Regulations 2004 – (Annex A)

Some of the information held by Homes England falls within the definition of environmental information as defined within Regulation 2 of the EIR and so we have processed this information in accordance with the EIR. The information that does not fall within this definition has been processed in accordance with the FOIA.

Please see the link below which will direct you to the EIR legislation:

<https://www.legislation.gov.uk/uksi/2004/3391/contents/made>

Please find enclosed to this response Annex A which contains the EIR information held which is in scope of your request. Please note that we rely on Regulation 13(1) of the EIR to withhold some information from disclosure.

Regulation 13 – Personal Information

We have redacted and are withholding information on the grounds that it constitutes third party personal data and therefore engages section 13(1) of the EIR.

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To disclose personal data, such as names, contact details, addresses and email addresses could lead to the identification of third parties and would breach one or more of the data protection principles. 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 exception is engaged.

Freedom of Information Act 2000 – (Annex B)

Please find enclosed to this response Annex B which contains the FOIA information held which is in scope of your request. Please note that we rely on Section 40(2) and Section 43(2) of the FOIA to withhold some information from disclosure.

Please see the link below which will direct you to the FOIA legislation:

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

Section 40 – Personal Information

We have redacted and 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 and email addresses could lead to the identification of third parties and would breach one or more of the data protection principles.

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.

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. There are two figures within Annex B that have been withheld in accordance with this exemption.

The information requested relating to the costs of services engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

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 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.



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Arguments in favour of withholding:

- Releasing the information would reveal competitive financial information of a third party which may in turn affect their commercial interests;
- Releasing information in relation to one party in a competitive market would be likely to distort competition, making it a less competitive process, 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.

Discretionary Disclosure

Some of the information contained within both Annex A and Annex B is being disclosed as a discretionary disclosure. We believe that by disclosing the information it will provide further insight and we are disclosing the information in order to promote transparency and to provide assistance.

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 – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to 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