



Homes
England

Date: 21 October 2021

Our Ref: RFI3588

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI3588

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

I'd like a breakdown of the £200 administration fee charged for redeeming the help to buy equity loan. Hours spent and cost of each service provided.

Response

We can confirm that we do hold the requested information.

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 a breakdown 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.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of the contract and the relationship with the third party.

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.

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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;
- Homes England acknowledges there is an interest from the public and customers of the Help to Buy product in how fees charged represent services undertaken.

Arguments in favour of withholding:

- Releasing information that relates to pricing of services provided under the contract between Homes England and Target would be likely to prejudice the ability of Homes England to procure future services that represent good value for public money. Release could result in third parties distorting prices in future procurements and would be likely to affect impartiality and competition in a competitive market. This would not be in the public interest as it would negatively impact the public purse;
- Releasing the information would be likely to place Target at a commercial and operational disadvantage, as competitors could use this information to undermine these aspects of the services provided. This would not be in the public interest as it could result in Target being unable to fulfil their obligations under the contract. Furthermore, if the contract is re-tendered the information would offer competitors an unfair commercial advantage and undermine the competitiveness of Target's proposals. To release information relating to one party in a competitive market would distort the quality of submissions received. This would not be in the public interest as Homes England may not receive accurate information from potential third parties resulting in poor value for public money;
- Disclosure would adversely affect the relationship between Homes England and current and potential partners. There would be significant reputational, commercial and financial loss to Homes England and our partners as third parties could use the information to distort the market for their own gain, which would affect future relationships; 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:

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk



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Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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

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