



Homes  
England

Date: 18 October 2024

Our Ref: RFI4764

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI4764**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA). Please accept our sincere apologies for the delay in issuing this response to you. We recognise that the handling of your request has fallen below expectations, and the standards set out in the legislation.

You requested the following information:

**all information held by [REDACTED] ..., as well as any correspondence relevant to the company [REDACTED] [REDACTED]. This includes, but is not limited to, internal communications between departments, exchanges with third-party agencies such as Gleeds and leaseholders, as well as records of text messages and emails. I have explicitly requested access to all relevant materials.**

**Response**

**Neither Confirm nor Deny**

Homes England can neither confirm nor deny that we hold the information requested.

On receipt of a valid request for information, section 1(1) of the FOIA obliges a public authority to inform the requestor under section 1(a) if they hold the information requested, and under section 1(b) communicate that information to them.

However, the duty under section(1)(a) does not apply to your request by virtue of section 38(2) of the FOIA.

2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard, Newcastle Helix  
Newcastle upon Tyne, NE4 5BZ

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)





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The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, endanger physical health or the safety of an individual.

The full text of the legislation can be found via the following link:

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

### Section 38 – Health and Safety

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 is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work and spends public money; and
- Homes England acknowledges there is a public interest in transparency in matters concerning public concerns over safety and submissions to the [REDACTED] and the [REDACTED].

### Arguments in favour of non-disclosure

- Confirming or denying that Homes England holds information that falls within scope of the request would identify whether the building in question had submitted an application to the [REDACTED]. There is a real and substantial risk that a building could be subject to malicious attack from criminals, terrorists and other malicious people. This would not be in the public interest as it would result in a tangible threat to the physical health and safety of residents of the building. Homes England has a duty to protect the public from terrorist, malicious and criminal acts that are at risk of occurring.
- Confirming or denying that Homes England holds information that falls within scope of the request would reveal whether [REDACTED], including milestones for delivery. If information about milestones were to be released, it would harm potential [REDACTED] work which would be likely to cause direct physical and mental harm to the leaseholders and residents. Releasing this type of information would also compromise the effective operation of the [REDACTED], which is not in the public interest.
- Homes England has been unable to identify a wider public interest in disclosing the information requested.





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Having considered the arguments for and against, we have concluded that confirming or denying whether any information is held would be likely to be detrimental to the health and safety of individuals and therefore the balance of the public interest favours neither confirm nor deny.

The public interest arguments to confirm or deny should not be interpreted as evidence that Homes England does or does not hold information that falls within the scope of your request.

[Redacted]

[Redacted]

[Redacted]

## **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](mailto:infogov@homesengland.gov.uk)

Information Governance Team  
Homes England  
The Lumen  
2<sup>nd</sup> Floor

2<sup>nd</sup> Floor  
The Lumen  
St James Boulevard, Newcastle Helix  
Newcastle upon Tyne, NE4 5BZ

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United Kingdom

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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