



Department for Business Innovation & Skills

Higher Education Directorate
Department for Business, Innovation &
Skills
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K MacDonald
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Our ref: FOI2016/06422

14 April 2016

Dear K MacDonald,

Thank you for your email of 15th March 2016 where you requested the following information:

I would like BIS to provide the express term(s) under any loan agreement (both pre-98 and post-98), Regulations or otherwise that would allow the lender to conduct credit checks at credit reference agencies against the borrower: (i) As part of the deferment application process; and (ii) At any other time.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

The Act provides the right to request recorded information held by the Department, but there is no requirement under the Act to respond to direct questions. Although you have indicated that you wish to make a request for information, your correspondence also contains an enquiry (asking for additional identification, analysis and interpretation of particular parts of any such information held). Where a 'request for information' contains an enquiry, rather than a request for recorded information held by the Department, such requests are dealt with as a 'normal course of business' enquiry rather than a formal request for information under the Act. However, if recorded information is held which can help respond to the questions asked, then that information should be considered for disclosure.

Both versions of the loan credit agreement for mortgage-style student loans have previously been released under the Act and are in the public domain, but they are also attached to this reply for ease of reference.

The Education (Student Loans) Regulations 1998 which govern mortgage-style student loans are also in the public domain, available at <http://www.legislation.gov.uk/uksi/1998/211/contents/made>.

Mortgage-style student loans are regulated loans under the Consumer Credit Act 1974 as amended. The owners of these loans are responsible for their administration, acting within the relevant regulatory and industry frameworks. The circumstances in which the owners/administrators of mortgage-style student loans will share information with credit reference agencies (including deciding what information is considered relevant and appropriate to share) is a matter for the companies concerned, within the terms and conditions of borrowers' loan credit agreements and observing all regulatory requirements and industry guidance.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET
Email: FOI.Requests@bis.gsi.gov.uk

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

BIS Higher Education Directorate