



Homes &
Communities
Agency

Our Reference: FOI000934

BY EMAIL ONLY

2 November 2017

Dear Ms Newsom

Request for Information

Thank you for your email dated 2 October 2017 requesting information on correspondence held by the HCA in relation to Daedalus. In your previous request (our reference FOI000890) you requested correspondence related to the siting of the demolition stockpiles. We responded to this request, however some of the documents initially identified were later found to be outside of the scope of that request, and these were withheld on this basis. This current request is for copies of these withheld documents.

Attached alongside this letter is a copy of the bundle of documents which was considered as part of FOI000890, but the information which was previously deemed to be outside of the scope of the request has now been considered. Therefore, much of the information provided in this bundle is information you have previously been sent. The information redacted under s43(2) Freedom of Information Act 2000 (FOIA) in the previous request has been withheld on the same basis, namely that this is pricing information for goods/services which if disclosed would be prejudicial to the commercial interests of the third party concerned. Please refer to the previous response letter for the full content regarding the use of this exemption and related public interest arguments.

In addition to the redactions made in line with the previous response, personal data has again been redacted in line with Section 40(2) Freedom of Information Act 2000.

The vast majority of the remaining information has been disclosed to you. Some information has been withheld where that information is a discussion, internal to Gosport Borough Council, regarding the site. This information is considered to be environmental information, as it relates to measures which could affect the elements of the environment and therefore we have considered this information under the Environmental Information Regulations 2004 (EIR) rather than the FOIA. The EIR are an alternative scheme for access to information which relates to environmental information held by a public authority. Further information on the EIR is available [here](#).

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This information has been withheld under the EIR exception at Regulation 12(4)(e) – Internal Communications. This regulation states a public authority may refuse to disclose information where it is internal communications. The information withheld is communication internal to Gosport Borough Council, between an elected member and a senior council officer in relation to an individual resident. The use of this exception requires a public interest test to be carried out with a presumption in favour of disclosure, and we have listed the relevant arguments below.

Public Interest Test – Factors in favour of disclosure

There is a legitimate public interest in the disclosure of official information held by any public authority and that disclosure helps promote transparency and accountability.

There is a legitimate public interest in the way in which public authorities make decisions and consider matters, especially where those decisions impact upon the places in which people live and work.

Public Interest Test – Factors in favour of non-disclosure

Local authorities require a safe space for free and frank exchanges between elected members and council officers to enable them to explore solutions to concerns raised by council residents with their elected members. Disclosure of such exchanges would not be in the public interest, as it would be detrimental to the work of Gosport Borough Council and in turn would reduce their ability to work towards their policy aims as a local authority, as well as reducing the effectiveness of elected members to take up individual residents' complaints.

After carefully considering the factors both for and against disclosure of this information, we have concluded that the balance of public interest falls in favour of non-disclosure at this time.

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

Email: mail@homesandcommunities.co.uk

Mail: Information Access Officer
Homes and Communities Agency
Fry Building
2 Marsham Street
London
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If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

General Counsel
Homes and Communities Agency
Fry Building
2 Marsham Street
London

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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
Online: <https://ico.org.uk/concerns/getting/>

Yours sincerely

Robert Bean
Legal and Information Officer
Homes and Communities Agency