

HBF/HFS Guidance:

Information Exchange Dos and Don'ts for Sales Functions

Do

- ✓ Make sure you use only your own information and publicly available information when setting your prices or buyer incentives. Do not agree, or share competitively sensitive information on, prices or pricing strategies with your competitors.
- ✓ Protect your company's own confidential information from disclosure.
- ✓ If meeting competitors (e.g. as part of an industry forum), use formal agendas, record minutes of meetings where appropriate, and take care to ensure that conversation does not stray into discussing competitively sensitive information.
- ✓ Remember to object if a competitor offers or shares competitively sensitive information with you and, if necessary, leave the discussion. Make sure that your objection is noted and that you report the matter to your legal team / senior management. Do not share any competitively sensitive information received more widely.
- ✓ Be mindful of information received from a third party (e.g. through agents or trade associations). Ensure that any such information is sufficiently aggregated, anonymised and/or is historic.
- ✓ Familiarise yourself with UK competition law, including the HBF/HFS guidance on information exchange in the housebuilding industry that provides useful examples of what constitutes competitively sensitive information, and more detailed guidance available from the Competition and Markets Authority (CMA).¹

¹ The following CMA publications provide more information and guidance on the topic of information exchange: [CMA video on information you shouldn't share with other businesses](#); and CMA's [2014 guidance on managing competitively sensitive information](#).

Don't

- ✖ Share competitively sensitive information with competitors (actual or potential). This includes verbal and informal discussion settings (such as social gatherings outside of the office and social media/messaging services such as WhatsApp).
- ✖ Discuss information about the price at which a sale of one or more newly built residential houses or flats was agreed, sales volumes (including sales, reservations, cancellations, or completions) or visitor information with your competitors.
- ✖ Share information with third parties (such as agents or lenders) unless you have sought confirmation that any competitively sensitive information will not be shared with competitors unless it has been aggregated and anonymised such that the information is no longer competitively sensitive (i.e. so that the information is combined in a way which prevents the identification of individual responses).

Not sure if the information you want to share is competitively sensitive? Ask yourself:

- Is this information which is not in the public domain?
- If my competitor knew this information, would they be able to change their market behaviour in response to the information (e.g. by adapting their pricing)?

If the answer to either of the questions above is “yes”, the information could be competitively sensitive.