



CHARITY COMMISSION
FOR ENGLAND AND WALES

By email only: Stephen Delahunty
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e1ef1288@whatdotheyknow.com](mailto:request-721764-e1ef1288@whatdotheyknow.com)

Charity Commission
PO Box 211
Bootle
L20 7YX

Your ref:
Our ref: C-536665

Date: 23 February 2021

Dear Mr Delahunty

Freedom of Information: Staff Absence

Thank you for your email requesting information from the Charity Commission. Your request has been managed in accordance with the provisions of the Freedom of Information Act 2000 (the "FOIA").

You ask the Commission:

*"1. What is the total number of sick days taken by the Charity's Commission's staff during the last calendar year (2020)?
2. Can you also provide the reason given for each absence (If part two is likely to take me beyond the 24 staff hours limit or £600 cost to collate the information please negate it from this request)."*

I can confirm the Commission holds information relevant to your request, please see below for the response.

I can confirm that the total number of days lost to sickness absence was 2013.5.

The Commission can disclose some information relevant to your request numbered 2.

There were 64 instances recorded as general symptoms.
There were 29 instances recorded as the digestive system.
There were 41 instances recorded as respiratory system.
There were 30 instances recorded as viruses and infectious diseases.
There were 30 Instances recorded with no known reason.
There were 17 instances recorded under bone muscle and connective tissue.

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t: 0300 066 9197 (General enquiries)

w: www.gov.uk/charity-commission

Some information has been withheld as it is considered the exemption at Section 40(2) of the FOIA applies to the disclosure of the data.

Section 40(2)

Personal data about third parties is exempt information if one of the conditions set out in section (3) is satisfied, namely whether any of the data protection principles would be contravened by the disclosure.

Disclosure of information which can identify individuals would breach the first principle at Article 5(1)(a) of the GDPR. Under this principle personal data is required to be processed lawfully, fairly and in a transparent manner.

To disclose personal data in response to a FOIA request would be at odds with this principle unless there is a legitimate interest in doing so, and this was in line with the expectations of the data subjects concerned.

Personal data is considered to be fair and lawfully processed if at least one of the conditions at Article 6 of the GDPR applies, the conditions most relevant to a FOIA request are:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

- (f) the processing is necessary for the purpose of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject.

The individuals concerned have a legitimate expectation that their data will not be disclosed in this manner.

In this instance, I have not identified a legitimate interest which overrides the rights and freedoms of the individual who would be identified by the disclosure.

The Commission employs a relatively small number of employees and to disclose sensitive personal data relating to small numbers of recorded absence risks releasing data into the public domain which could lead to individuals being identified.

The disclosure of such personal information would be unfair on the persons concerned and would cause them damage and distress.

Although individuals are not directly identifiable from this data, where small numbers exist the chances of 'motivated intruders' being able to identify individuals from that data is

heightened. A 'motivated intruder' is specified as someone who will take all reasonable steps to identify individuals, but without any prior knowledge. This principle is explained further in the ICO's anonymization code which can be found [here](#).

This exemption applies because it would be unfair to disclose information constituting the personal data of individuals who would have no expectation that information they have provided to the Commission would be disclosed to the wider public.

This completes your information request.

Yours sincerely

Katherine O'Hare
Information Rights & Complaints Manager
Charity Commission

If you are dissatisfied with the handling of your request or the decision which has been reached, you have the right to ask for an internal review. Internal review requests must be submitted within two months of the date of this response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (email: RIGA@charitycommission.gov.uk).

If you are not satisfied with the internal review, you are able to appeal to the Information Commissioner. Generally, the ICO cannot make a decision unless you have exhausted our review procedure. The ICO can be contacted at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (email: casework@ico.org.uk).