



Millbank  
 London SW1P 4RG  
 call +44 (0) 20 7887 8000  
 fax +44 (0) 20 7887 8008  
 visit [www.tate.org.uk](http://www.tate.org.uk)

7 November 2013

FAO: Glen Tarmann

SENT BY EMAIL ONLY: [request-176835-01688666a@whatdotheyknow.com](mailto:request-176835-01688666a@whatdotheyknow.com)

Dear Mr Tarmann

**FOI Case Reference 431**

**Outcome of Your Request for an Internal Review**

I write on behalf of Tate's FOI Internal Appeals Committee to let you know the outcome of the appeal you requested on 13 October 2013 in connection with your above referenced FOI enquiry. The Appeals Committee has considered your request for an appeal along with the response and information you received from the FOI Group dated 9 October 2013 and sent to you by Jessica Holifield.

We note that the information requested by you concerning Tate's current membership of councils and committees, was sent to you by the FOI Group within 20 working days of the date of your request and that no exemptions were applied to the information.

The relevant details of your request for an internal appeal are copied below:

"I am writing to request an internal review of The Tate Gallery's handling of my Freedom of Information Request 'Current Membership of the Tate Board's Councils and Committees'. Tate's response to my Freedom of Information Request states that: "We publish information on the membership of our Councils and Committees through other means. [...] The overall membership of all these Councils and Committees is published in the annual Tate Report. Some of the Committees have decision-making authority and the membership of these is published in the Annual Accounts."

Reviewing the most recent versions of these documents, I believe it is not the case that these documents set out the overall membership of all these Councils and Committees. For example, the latest Annual Accounts appears only to list the membership of the Collection Committee and the Audit Committee. These may be committees with delegated authority from the Board but they are not the only ones: the Freedom of Information Appeals Committee is also of this status and yet its membership is not listed in the Annual Accounts.

The 2012/13 Tate Report appears to not list the following memberships of the Councils and Committees appointed by the Tate Board:

- Finance and Operations Committee
- Investment Committee

- Governance and People Committee
- Freedom of Information Appeals Committee
- Ethics Committee
- Tate Modern Project Board
- Millbank Development Committee

*As such, I believe that the assertion in reply to my Q3 that "the information you have requested is already published by Tate" not to be the case. The above advisory committees, advisory councils and project boards in addition to the membership of the Freedom of Information Appeals Committee had not already been published in these documents."*

The Appeals Committee upholds the FOI Group's handling of your request as you were provided with the requested information in full.

However, we note that an oversight had been made insofar as the information you received had not been updated online at the time you made your request. This was acknowledged by the FOI Group and has since been rectified.

In response to your comments about the Tate Accounts, we note Tate's oversight, and the FOI Group has accepted in their response to you, that the Freedom of Information Committee membership was not listed in the Tate Accounts 12/13 although it is has delegated authority from the Tate Board. However we also note that this information has been published on the Tate's website and is easily accessible, with clear links to Tate's Accounts.

You comment that the membership information of some of the councils and committees was not published in the Tate Accounts. We uphold the FOI group decision that the information was published in the Tate Accounts, although we note also that it was published in a format different to the one on Tate's website i.e. that the Tate Accounts listed all of the members of the councils and committees in a general list without assigning names to the specific councils and committees within which they serve.

The Tate website currently contains updated information of all of Tate's advisory councils and committees, including those on your list above. It also additionally lists the membership of the Boards of Tate Members, the Tate Americas Foundation, Tate Enterprises Limited, Executive and Non-Executive Trustees of Tate Foundation and the Corporate Advisory Group. I understand from Jessica Holfield that the information published online about Tate's councils and committees will henceforth be checked and updated for accuracy in a routine manner, as with all other information on Tate's website.

### The Decision

In summary, your request for an internal review did not ask for additional information but for a review of the handling of your previous request. As such, we thank you for pointing out the oversight in the Tate Accounts and also for drawing Tate's attention towards updating some of the information contained on Tate's website. With regard to the FOI Group's handling of your request, as the information requested by you was fully addressed, the decision of the Appeals Committee is that it upholds the FOI Group's handling of your request.

If you remain dissatisfied with Tate's response following this internal review, you may seek an independent adjudication of the matter from the Information Commissioner, who can be contacted at: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 or telephone 01625 545 745.

Yours sincerely



Monisha Shah

2013 NOV

Tate Trustee and Chair of the Tate FoI Appeals Committee