



CHARITY COMMISSION
FOR ENGLAND AND WALES

Mr T Doherty

[request-719150-
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Charity Commission
PO Box 211
Bootle
L20 7YX

By email

Your ref:
Our ref: LW/502021/c-536043

Date: 4 February 2021

Dear Mr Doherty

Your Freedom of Information request response

Thank you for your request for information received by the Charity Commission 18 January 2021. You asked:

“Can you please provide details of any correspondence received from or sent to Claverdon parish council in respect of the Dorothea Mitchell Hall Trust Claverdon in the period between 1st January 2020 and 31st December 2020”

Your request has been processed under the provisions of the Freedom of Information Act 2000 (FOIA).

I confirm the Commission holds this information. However, it is exempt from disclosure for the following reasons:

Section 31(1)(g) states that:

*“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)”*

Relevant purposes in subsection (2) include:

- ascertaining whether any person has failed to comply with the law;
- ascertaining whether any person is responsible for any conduct which is improper;
- ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise;
- protecting charities against misconduct or mismanagement in their administration.

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The information subject to this exemption was received or held by the Commission in furtherance of its statutory objectives and the functions as outlined by sections 14 and 15 of the Charities Act 2011. These include (but are not limited to) increasing public trust and confidence in charities, promoting compliance by charity trustees with their legal obligations, identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking appropriate remedial or protective action in connection with misconduct or management therein.

It is considered that the disclosure of the information requested would be likely to prejudice these functions. If the details of all communications which may be subject to regulatory engagement by the Commission are routinely disclosed, charities, and other parties, would be reluctant to co-operate or enter into open and frank discussions with the Commission in the course of its work. In addition, disclosure would prejudice the consideration and assessment of any regulatory action the Commission might be minded to take. This would adversely affect the Commission's ability to regulate efficiently and effectively.

This is a qualified exemption which means that it requires the Commission to balance the public interest in disclosure against the public interest of non-disclosure. Please see below for the outcome of the test we have undertaken.

Public Interest Test

Arguments for disclosure

- Public authorities such as the Charity Commission have a wider duty to be transparent and accountable for the decisions they make
- Disclosure of the requested information would help to inform public debate on issues of regulatory significance, and demonstrate that the Commission is effectively and efficiently regulating the charity sector
- Disclosure of this information would help to educate and inform the public by detailing how the Commission handles regulatory complaints and concerns, providing a fuller picture of the Commission's statutory functions and duties

Arguments against disclosure

- If the Commission were to routinely disclose details of their regulatory compliance work this would undermine confidence in our ability to handle complaints and other correspondence confidentially. As a consequence, individuals would be reluctant to come forward with information in future for fear of their identities and communications being disclosed as part of an FOI request.
- There is a public interest in having an effective and efficient regulator of charities in order that we are able to ensure compliance with the relevant regulations
- Information disclosed under the Freedom of Information Act is effectively disclosed to the world, not just the requester

Outcome

In balancing the public interest of disclosure against the public interest in withholding the information, it is the Commission's view that, in this instance, the greater public interest lies in withholding the information.

That concludes your Freedom of Information request.

Please do not reply to this email. Please email FOIRequests@charitycommission.gov.uk to submit another FOI or RIGA@charitycommission.gov.uk if you wish to request a review of your FOI response.

Yours sincerely

Mrs L Whitehurst
Data Protection and Information Rights team

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).