



CHARITY COMMISSION
FOR ENGLAND AND WALES

Mr M Raynard
By email: request-749273-f7d23fa7@whatdotheyknow.com

Charity Commission
PO Box 211
Bootle
L20 7YX

Your ref:
Our ref: C-008517

Date: 01 July 2021

Dear Mr Raynard,

RESPONSE TO REQUEST FOR INFORMATION

Thank you for your four requests for information in your email of 20 April 2021 which I have dealt with under the Freedom of Information Act 2000 (the Act). Please accept my apologies for the delay in providing you with a response

You have requested the following information relating to objections received by the Commission to the application from LGB Alliance to register as a charity:

"Please can you let me know if you hold the following information and then release it

- 1) objection from Stonewall*
- 2) objection from Gendered Intelligence*
- 3) objection from Mermaids*

This would have been from November 2019 up to the time the decision was made.

In addition, if there is available time in this FOI request please supply:

- 4) All other objections received from institutions in this timeframe."*

The Commission does not hold records of any objections about the registration of LGB Alliance from (1) Stonewall, (2) Gendered Intelligence or (3) Mermaids.

The Commission holds information in relation to request (4). We are unable to communicate this information to you, however, as it is considered that the exemption at section 31 of the Act applies.

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help on filing your annual return and accounts

t: 0300 066 9197 (General enquiries)

w: www.gov.uk/charity-commission

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 circumstances which would justify regulatory action in pursuance of any enactment exist or may arise;
- protecting charities against misconduct or mismanagement in their administration.

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) determining whether institutions are or are not charities, 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 communications regarding an application for registration by the Commission, including objections to that registration, 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 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.

Arguments against disclosure:

- If the Commission disclosed the objections to registration it received from organisations, this would inhibit those organisations from engaging with the Commission as they would be fearful that their communications would be disclosed to the wider world under the Act. This, in turn, would severely undermine the Commission's ability to make its decisions about the registration of charities;
- Disclosure also would impact upon the relationship of trust the Commission has with the charity sector. If bodies seeking charitable status recognised that the Commission routinely disclosed details of objections to registration it received from organisations, this would undermine the trust which underpins how we engage with such bodies and charities generally, and would also serve to unnecessarily undermine public trust and confidence in the charity sector as a whole.

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.

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 ([Home | ICO](#)).

Yours sincerely,

Lucy Breakspere

Information Rights and Complaints Manager