



Mr Joe Kilker
By email only to:
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59789673@whatdotheyknow.com

Charity Commission
PO Box 211
Liverpool
L20 7YX

T: 0300 065 1789

Your ref:
Our ref: 1089540/C-429457

Date: 19/02/2016

Dear Mr Kilker

BARTON AND TREDWORTH COMMUNITY TRUST

Thank you for your email of 22 January 2016.

I am Steven Joshua of the Charity Commission's Permissions and Compliance Team. I have conducted a review of our decision that the information you requested under the Freedom of Information Act (FOIA) in your email of 29 December 2015 was exempt from disclosure.

The review has been carried out in line with our published procedures, which are available at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/394719/our_guidance_on_requesting_a_review.pdf

I can confirm that I was not involved in the making of the original FOIA decision.

The scope of the decision review

The decision review examined whether the Commission was correct to decide that the information requested in your email of 29 December 2015 was exempt from disclosure. The information requested was as follows:

"...full details of the questions Andy Ashcroft claims to have put to Barton & Tredworth Developments Ltd and/or 'former trustees' regarding the status of the Barton & Tredworth Community Trust"

The Commission's response

The Commission provided a response to this request in an email of 21 January 2016. The decision was that the information requested was exempt from disclosure under section 31 of the FOIA.

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Textphone: 0300 066 9219

Website: www.gov.uk/charity-commission

Conclusion

I have reviewed our decision and have concluded that we were correct to decide that the information requested was exempt from disclosure under s31 of the FOIA.

Section 31(1)(g) of the FOIA is engaged if disclosure 'would or would be likely to prejudice the exercise by any public authority of its functions for any of the purposes specified in subsection (2)'. The relevant purposes in subsection (2) in this case are:

(f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration;

(g) the purposes of protecting the property of charities from loss or misapplication.

It is my view that disclosure of the information requested would be likely to prejudice the exercise of the Commission's functions for these purposes.

This exemption requires us to balance the public interest in disclosure against the public interest in non-disclosure. In considering whether we applied this public interest test correctly in our original decision, I took into account the factors in favour of disclosure which included the need for the Commission as a public body to be transparent and accountable. I concluded that the public interest lies in not disclosing the information requested. If communications with charities which are subject to regulatory engagement by the Commission are routinely disclosed, charities would be reluctant to co-operate or enter into open and frank discussions with the Commission in the course of its ongoing 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 effectively.

If you are unhappy with this decision, you may apply to the Information Commissioner for a decision. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Steven Joshua

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