



CHARITY COMMISSION
FOR ENGLAND AND WALES

By Email Only
request-681933-
c5ad0d2e@whatdotheyknow.com

Charity Commission
PO Box 211
Bootle
L20 7YX

T:

Your ref:
Our ref: C-524607

Date: 1st September 2020

Dear Mr Shivani Patel

Your Freedom of Information request response

Thank you for your email received 4th August 2020 in which you requested the following information.

“ Q1 copies of the records relating to the registration of Saltdean Lido Trust [1173503]”

and

Q2 “to also include copies of that body's governing instruments.”

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

In relation to Q1:-The above charity was registered as a Charitable Incorporated Organisation (CIO) on 21st June 2017.

I can confirm that the Commission holds this information however considers it exempt from disclosure under s31(2) .

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:

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

- 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.

The information subject to this exemption was received or held by the Commission in relation to the consideration of the registration of the above charity so in furtherance of the Commissions 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 information they hold about charities and 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 registration cases, providing a fuller picture of the Commission's statutory functions and duties.

Arguments against disclosure •

- Disclosure of this information is to the world at large not just to the requestor.
- If the Commission were to routinely disclose details of their registration casework this would undermine confidence in our ability to handle such correspondence carefully and sensitively.

- As a consequence, placing such information in the public domain would provide the methodology the Commission employs in registering organisations to those who may have a mind to circumvent this process and so undermine the Commissions ability in handling such cases.
- There is public interest in having an effective and efficient regulator of charities in order that we are able to ensure compliance with the relevant regulations under s14 and s15 of the Charities Act 2011.
- It is not necessarily a specific case that is prejudiced; but the wider impact such a release of information would have on the Commission being able to fulfil its objectives and regulatory functions under s14 and s15 of the Charities Act 2011.

Outcome

In balancing the public interest of disclosure against the public interest in withholding the information, it is the Commissions view that, in this instance the greater public interest lies in not disclosing the information.

In relation to Q2:- I can confirm that the Commission holds this information

As such please find a copy of the charity's CIO – Foundation document registered 21 Jun 2017 attached.

This completes your Freedom of Information Request.

Yours sincerely

Ms Jan Provost (Data Protection and Information Rights Manager)

If you think our decision is wrong, you can ask for it to be reviewed. Such requests should be submitted within two months of the date of our response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (email: RIGA@charitycommission.gov.uk). More information about our Freedom of Information Act review service can be found on the following link to our website: <https://www.gov.uk/government/organisations/charity-commission/about/complaints-procedure>.

If you are not satisfied with the internal review, you can 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).

