



CHARITY COMMISSION
FOR ENGLAND AND WALES

By email:
[request-615822-
f02ca74c@whatdotheyknow.com](mailto:request-615822-f02ca74c@whatdotheyknow.com)

Charity Commission
PO Box 211
Bootle
L20 7YX

Date: 18th November 2019

Dear A Ying

Thank you for your email dated 27th October 2019 in relation to "Trinity Hall Cambridge", in which you asked;

"I am writing to request the following information under the Freedom of Information Act 2000:

- 1. Number of serious incident reports made by Trinity Hall Cambridge (the "Charity") to the Charity Commission (the "Commission") between January 2015 and December 2017;**
- 2. Number of serious incident reports made by the Charity to the Commission between January 2015 and December 2017 in relation to Dr Peter Hutchinson, formerly a fellow and trustee of the Charity, and incidents relating to Dr Hutchinson;**
- 3. Copies of any such serious incident reports referenced in (2);**
- 4. Copies of all communications between the Charity and the Commission with regard to Dr Hutchinson, formerly a fellow and trustee of the Charity.**

Redaction of the above documents may be made if exemption(s) under the Act would otherwise apply.

In addition, I request the following information under the Charities Act 2011:

- 1. Annual returns from the Charity concerning any and all reporting periods between January 2015 and December 2017."**

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

Questions 1-4

The Commission considers section 31 (3) is applicable to your request and neither confirms nor denies that it holds any information falling within the description specified in your request.

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

Under section 31 (3) the duty to confirm or deny does not arise if, or to the extent that compliance with section 1 (1) (a) of the Act would, or would likely, prejudice any of the matters mentioned in section 31 (1) of the Act.

That is to do so would, or would be likely to, prejudice the Commission's exercise of its functions to: protect charities against misconduct or mismanagement in their administration - section 31 (1) (f), protect the property of charities from loss or misapplication - section 31 (1) (g) or recover the property of charities - section 31 (1) (h).

Section 31 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.

In balancing the public interest of disclosure against the public interest in withholding information, the Commission would take into account the factors in favour of disclosure, which includes the need for the Commission as a public body to be transparent and accountable and to provide assistance to members of the public as far as possible, with regard to the information we hold.

We would also take into account the very considerable public interest in the Commission being able to operate and regulate charities efficiently and effectively.

If the details of our regulatory engagement (which we carry out to further our purposes under the Act) were made public it would greatly impact the Commission's ability to fulfil its statutory functions as it relies on frank and open exchanges with other bodies to engage in its regulatory work.

In addition, we would consider whether disclosure would likely prejudice the consideration and assessment of any regulatory action the Commission might be minded to take as this would adversely affect the Commission's ability to regulate efficiently and effectively.

The decision to disclose information would be based on these points and likely fall in favour of withholding the information.

The fact that sections 31(3) of the Act has been cited should not be taken as an indication that the information you requested is or is not held by the Commission.

You also requested copies of Annual Returns for the period 2015-2017, copies of which are attached, however please note that some personal information has been withheld and redacted under s40(2).

Section 40(2)(b) states:

*"(2) Any information to which a request for information relates is also exempt information if—
(b) the first, second or third condition below is satisfied."*

The first condition at Section 40(3A)(a) is relevant.

"The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles”

Personal information is withheld under Section 40(2) of the Freedom of Information Act 2000 as the information constitutes third party personal data for the purposes of the General Data Protection Regulation (GDPR)/Data Protection Act 2018 (DPA). Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section (3) is satisfied, namely whether any of the data protection principles would be contravened by the disclosure.

Disclosure of this information would breach the first principle at Article 5(1)(a) of the GDPR. Under this principle personal data is required to be processed lawfully, fairly and in a transparent manner. To disclose personal data in response to a FOIA request would be at odds with this principle unless there is a legitimate interest in doing so, and this was in line with the expectations of the data subjects concerned. In this instance, the individuals concerned would have no expectation that their personal data would be disclosed in this manner and it would be unfair on them to do so.

That concludes your Freedom of Information request.

Yours sincerely

Miss H Taylor (Information Rights Manager)

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).