



CHARITY COMMISSION
FOR ENGLAND AND WALES

Mr N Wetters Gourlay
By email: request-596599-1f917317@whatdotheyknow.com

Charity Commission
PO Box 211
Bootle
L20 7YX

Your ref:
Our ref: C-504655

Date: 04 September 2019

Dear Mr Wetters Gourlay,

RESPONSE TO REQUEST FOR INFORMATION

Thank you for your request for information. I have dealt with your request under the Freedom of Information Act 2000.

You have asked for the following information:

1. The governing document for The George and Sarah Beresford Memorial Foundation, 520513
2. The charity's annual returns for March 2015, March 2016, March 2017 and March 2018
3. A complete list of trustees.

Turning to 1 above, we routinely provide copies of registered charities' governing documents as part of our normal business and duties under the Charities Act 2011. This means the information you have requested is exempt from disclosure under section 21 of the Freedom of Information Act as it is "reasonably accessible" to you via other means.

However, we can provide copies of the governing documents requested under our usual processes. I have attached a copy of the document requested.

As far as 2 above is concerned, I can confirm that we hold annual returns for 2015, 2016 and 2017. I attach copies of these returns with some information redacted under section 40(2). 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

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

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.

I have also redacted further information under section 41 of the Freedom of Information Act. Section 41(1) states that:

- (1) *Information is exempt information if—*
 - (a) *it was obtained by the public authority from any other person (including another public authority), and*
 - (b) *the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

We can confirm that the information (namely, the charity's bank account details) possesses the necessary quality of confidence and has been provided to us in circumstances that would warrant us to handle the information confidentially. We consider that disclosure of the information in question would cause harm to the individuals concerned and for which the Commission would be legally liable.

Turning to 3 above, you can find the current trustees of the charity on the Commission's register of charities online -

<https://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/ContactAndTrustees.aspx?RegisteredCharityNumber=520513&SubsidiaryNumber=0>.

I am unable to provide details of any previous trustees as this information is withheld under section 40(2) of the Freedom of Information Act (see previous explanation).

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).

Yours sincerely,

Lucy Breakspere

Information Rights and Complaints Manager