



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

FAO Diana Strom  
By email only:  
request-392813--  
e9a5f958@whatdotheyknow.com

Charity Commission  
PO Box 211  
Bootle  
L20 7YX

**T: 0300 065 1569**

**Your ref:**  
**Our ref: 1154524/C-454102/PCT**

**Date: 30 March 2017**

Dear Miss Strom,

**Freedom of Information Act 2000 Request**

Thank you for your email received on 2 March asking for particular information.

We have dealt with your request under the Freedom of Information Act 2000 (the Act).

In considering this request, we have looked at whether or not the Commission holds the information you have requested and whether it is possible to release this information. Where an exemption applies we have identified it, and explained why it applies, and why the information will not be released.

You have requested the following information:

1. Copies of all correspondence between the Charity Commission and the Charity's Trustees relating to the charity's expenditure of funds towards the 'Mrs Yang' Appeal conducted through the TotalGiving fundraising website in 2015.
2. A structured chronological list of the dates of all correspondence between the Commission and the Charity that related to the Mrs Yang fundraiser.
3. A list of all the Charity Commission officers who corresponded with the Charity in relation to the Mrs Yang fundraiser and if possible details for the officer currently responsible for directing or conducting the Charity Commission's inquiries into the fundraiser.
4. Copies of all internal Charity Commission emails, briefing notes or other internal exchanges that relate to the Mrs Yang fundraiser.

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Visit [www.gov.uk/charity-commission](http://www.gov.uk/charity-commission) for help  
on filing your annual return and accounts

**t:** 0300 066 9197 (General  
enquiries)  
0300 066 9219 (Textphone)

**w:** [www.gov.uk/charity-commission](http://www.gov.uk/charity-commission)

5. The current total of funds raised for the Mrs Yang fundraiser that the Charity Commission holds on record and any information held on how any of those funds have been reported as spent by the Charity.

We have considered each of your requests and detailed our responses accordingly:

1. Copies of all correspondence between the Charity Commission and the Charity's Trustees relating to the charity's expenditure of funds towards the 'Mrs Yang' Appeal conducted through the TotalGiving fundraising website in 2015.
2. A structured chronological list of the dates of all correspondence between the Commission and the Charity that related to the Mrs Yang fundraiser.
4. Copies of all internal Charity Commission emails, briefing notes or other internal exchanges that relate to the Mrs Yang fundraiser.
5. The current total of funds raised for the Mrs Yang fundraiser that the Charity Commission holds on record and any information held on how any of those funds have been reported as spent by the Charity.

The information is withheld under s 31(1)(g) of the Freedom of Information Act 2000. Section 31(1)(g) provides that the information is exempt if its disclosure would, or would be likely to, prejudice the exercise by any public authority of its functions for any of the purposes specified in section 31(2). Such purposes include:

- 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 in question 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) 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.

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

mind 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.

In balancing the public interest of disclosure against the public interest in withholding the information, I have taken 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 held by the Commission about charities. I have also considered the very considerable public interest in the Commission being able to operate and regulate charities efficiently and effectively. It is the Commission's view that in this instance, the public interest lies in not disclosing the information.

3. A list of all the Charity Commission officers who corresponded with the Charity in relation to the Mrs Yang fundraiser and if possible details for the officer currently responsible for directing or conducting the Charity Commission's inquiries into the fundraiser.

In response to your request we can confirm that, while we hold the information requested we are unable to disclose it in accordance with the following factors.

When a Public Authority receives a request for the disclosure of what, in the opinion of The Charity Commission, constitutes either the personal or sensitive data of one of its employees, we must decide whether disclosure would breach Principle 1 of the Data Protection Act 1998 (DPA), i.e. whether it would be fair and lawful to disclose the information being requested. Whether the disclosure is fair will depend on a number of factors including:

- whether it is sensitive personal data;
- the consequences of disclosure;
- the reasonable expectations of the employees; and
- whether there is a legitimate interest in the public or requester having access to the information and the balance between this and the rights and freedoms of the data subjects.

If we decide that disclosure is fair, any disclosure must also satisfy one of the conditions in Schedule 2 of the DPA. Furthermore, if the information constitutes sensitive personal data then disclosure must also satisfy one of the conditions in Schedule 3 of the DPA.

In accordance with this we can confirm that disclosure of the information requested cannot, in this instance, be made while satisfying any of the criteria laid out in either Schedule 2 or 3 of the DPA. As a result disclosure of the information which requested would represent a breach of Section 40(2) and 40(3)(a)(i) of the Freedom of Information Act 2000. Consequently we are unable to provide the information requested

If you think our decision is wrong, you can ask for it to be reviewed. Such requests should be submitted within three months of the date of our response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (email: [BusinessAssurance@charitycommission.gsi.gov.uk](mailto:BusinessAssurance@charitycommission.gsi.gov.uk)). More information about our Freedom of Information Act review service can be found on the following link on our website: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300069/complaints\\_about\\_FOI\\_or\\_subject\\_access\\_guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300069/complaints_about_FOI_or_subject_access_guide.pdf).

If, after this, you remain unhappy with the decision, you may apply directly to the Information Commissioner (ICO) for a decision. 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.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk).)

Yours sincerely,

Permissions and Compliance Team

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