

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 November 2022

Public Authority: Charity Commission
Address: PO Box 211
Bootle
L20 7YX

Decision (including any steps ordered)

1. The complainant requested information from the Charity Commission about a registered charity's aims. The Charity Commission refused to provide the requested information under section 41 of FOIA but subsequently disclosed the information during the Commissioner's investigation.
2. The Commissioner's decision is that the Charity Commission breached section 10(1) of FOIA by failing to provide the information within the statutory time for compliance. The Commissioner does not require any further steps to be taken by the Charity Commission.

Request and response

3. On 28 July 2021, the complainant made the following request for information under FOIA:

"I am still unable to find precisely what is the registered charity (charitable) aims of the above. I would imagine you have a registered application form or document which sets out the charity's aims. Could you please let me have a copy of that - ie anything which officially depicts the above charities aims."
4. The Commissioner understands that the charity referred to in this request is All Souls College (the College).
5. The Charity Commission responded on 25 August 2021, confirming that it held information relevant to the complainant's request. It provided the complainant with a link to the entry in the online register of charities

which sets out the governing documents of the charity and its charitable objects. It also provided the complainant with a copy of the following:

- The translation of the foundation charter of 1438;
- The preamble which appears in the Statutes of 1925 and 1977 which sets out the charitable aims of the College; and
- An extract from the application for registration made in 2010 which relates to the College's aims.

6. The complainant responded on 26 August 2021 asking the following:

"This is very helpful thank you and I think a good response re the FOI act In the extracts at the end before object 2 is state 'Further details on private benefits...are provided in section E But there was no section E - this goes to the aims Are you able to please let me have a copy of it as part of this for"

7. The Charity Commission treated this as a new request under FOIA and responded to it on 23 September 2021. It confirmed that the Charity Commission held information relevant to the request but refused to provide the requested information citing section 31 and 41 of FOIA.

8. The complainant requested an internal review on 24 September 2021.

9. The Charity Commission provided the outcome of its internal review on 20 December 2021, in which it revised its position. It stated that its reliance on section 31(1)(g) was incorrect, and that some of the information previously withheld could be released to the complainant. However, the Charity Commission maintained its decision to withhold some of the information contained in Section E of the application form under section 41(1).

Scope of the case

10. The complainant contacted the Commissioner on 21 November 2021 to complain about the Charity Commission's handling their FOIA request.

11. During the Commissioner's investigation, the Charity Commission stated that it was no longer relying on section 41 to withhold the requested information. The Charity Commission subsequently wrote to the complainant on 7 October 2022 disclosing the requested information in full and apologising for not providing it as part of its original response to the request.

12. In light of the above, the scope of the Commissioner's investigation is to determine whether the Charity Commission has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

13. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

b) if that is the case, to have that information communicated to him."

14. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

15. From the evidence provided to the Commissioner in this case, it is clear that the Charity Commission did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Charity Commission has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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