

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2014

Public Authority: Charity Commission
Address: 2nd Floor
1 Drummond Gate
London
SW1V 2QQ

Decision (including any steps ordered)

1. The complainant made a freedom of information request to the Charity Commission for copies of all Inquiry reports it published during 2006 and which have since been archived. Whilst the Charity Commission acknowledged that it held the information it failed to provide the information or issue a refusal notice until the complainant complained to the Information Commissioner.
2. The Commissioner's decision is that the Charity Commission breached section 10(1) of FOIA by failing to disclose the requested information within 20 working days. As the Charity Commission has now responded to the request the Commissioner requires no steps to be taken.

Request and response

3. On 10 March 2014 the complainant made a freedom of information request to the Charity Commission which read as follows:

Please provide me with copies of all the Inquiry Reports which you published during 2006 and which have since been "Archived" ie removed from your website, as listed here:

<http://www.charitycommission.gov.uk/our-...>

If feasible I would prefer these to be provided as separate files, please - one file per report - rather than one big file. That makes it easier to find and refer to individual reports. If you must provide it as one big file, I'd

appreciate it if you could provide a table of contents for it showing where each report starts.

4. The Charity Commission responded to the request on 9 April 2014 when it explained that it held the requested information but that it was having difficulty responding to the request. No exemption was formally cited by the Charity Commission and it said that it was confident that it would be able to get the information to the complainant.
5. The complainant questioned the response and asked it to clarify why the information could not be provided given that it had confirmed that it held the inquiry reports and these had previously been published on its website. The Charity Commission replied on 17 April 2014. It said that whilst it acknowledged that the information had been published previously it would still have to consider each report it held under the terms of FOIA. It explained that it held approximately 125 reports (including reports it held in connection with a similar request from the complainant which asked for the reports from 2005) and that it would need to review each report to consider whether it was suitable for disclosure.
6. The Charity Commission finally provided a substantive response to the request on 19 May 2014, after the complainant had complained to the Information Commissioner, when it disclosed the requested reports but with some information redacted under the section 40(2) (personal information) and section 43(2) (commercial interests) exemptions.

Scope of the case

7. On 15 April 2014 the complainant contacted the Commissioner to complain about the failure to respond to his request. As noted above, the Charity Commission responded to the complainant's request during the course of the Commissioner's investigation. The scope of the Commissioner's investigation is to consider the Charity Commission's failure to respond to the request within 20 working days.

Reasons for decision

Section 10 – time for compliance

8. Section 1 of FOIA provides 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.

9. Section 10(1) of FOIA provides that a public authority must comply with the duty under section 1 promptly and in any event within 20 working days. In this case the complainant made his request on 10 March 2014 but the public authority did not respond until 19 May 2014. This constitutes a breach of section by failing to disclose requested information within 20 working days.

Right of appeal

10. 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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

11. 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.
12. 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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