

MEETING NOTE

Lord Burns and the Charity Commission

Thursday 14 January 2016, 3:00 to 3:30pm, 102 Petty France

Attendees

- Lord Burns, Chair of the Independent Commission on Freedom of Information (ICFOI)
- William Shawcross, Chairman of the Charity Commission
- Cora Vials Moore, Head of Permissions and Advice Legal and Information Law (Charity Commission)
- Sarah Atkinson, Director of Policy and Communications (Charity Commission)
- Alexandra Avlonitis, ICFOI

1. Lord Burns opened the meeting by thanking William Shawcross, Ms Vials Moore and Ms Atkinson for taking the time to meet with him and to discuss informally their experience of the Act.
2. Ms Atkinson explained that the Charity Commission received a large number of requests for information held about or on behalf of charities, as well as information about the Commission itself. Ms Atkinson and Ms Vials Moore explained that this can cause anxiety amongst charities when sharing information with the Commission, particularly where, for example, information that had been provided by whistle-blowers was concerned.
3. Lord Burns asked the Charity Commission whether the Act posed a disproportionate burden on their organisation and for recommendations about how this might be alleviated. The Charity Commission explained that redaction was often particularly burdensome, not least because it was, for the most part, required by law (e.g. where personal data is concerned). They felt that this should be included in the section 12 cost limit activities.
4. The Charity Commission expressed concern about section 16 of the Act (duty to provide assistance) and felt that the parameters of the duty could be clarified further (e.g. to what extent does that duty apply?). The Charity Commission also felt that requesters should be made to provide proof of identity, so that for example requests could be aggregated under s12; s14 could be used for repeated or vexatious requests; or the person could be redirected under s21.
5. Lord Burns asked the Commission whether they were aware of the recent case law on the use of s14 FOIA¹. Ms Vials Moore explained that the Commission was aware of this but that it still felt exposed to vexatious requests. In particular, those from organisations who published their intention to map the file systems of central government departments.
6. Lord Burns asked the Charity Commission whether they felt that the appeals system could be improved. The Charity Commission explained that the internal review stage remained a useful tool, but felt that formal guidelines about the way in which the

¹ *Information Commissioner vs Devon CC and Dransfield* [2012] UKUT 440 (AAC) <http://www.ossccsc.gov.uk/judgmentfiles/j3680/GIA%203037%202011-01.doc>

Information Commissioner's Office hands down its decisions where required; specifically, that decisions should be embargoed for an agreed time ahead of publication and circulated simultaneously to involved parties.

7. Lord Burns asked the Commission whether the protection for sensitive information under s36 was adequate. The Charity Commission explained that the removal of the qualified person provision would help to alleviate the burden attached to protecting free and frank discussion held by it.
8. The group discussed recent media coverage about the extension of the Act to public service contractors. The Charity Commission felt that the Schedule of public authorities subject to FOIA should not be broadened to include all charities. The Charity Commission explained the obligations on charities to publish information through, for example, annual reports and accounts. The group also discussed whether or not responses to FOIA requests should be published proactively, and both parties agreed to consider this further.

Secretariat
January 2016