

Access to Information

Guidance setting out how you can request information from the Commission using relevant legislation



The Charity Commission for Northern Ireland

The Charity Commission for Northern Ireland is the regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Communities.

Our vision

To deliver in partnership with other key stakeholders in the charitable sector “a dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission’s effective delivery of its regulatory role.”

Further information about our aims and activities is available on our website www.charitycommissionni.org.uk

Equality

The Charity Commission for Northern Ireland is committed to equality and diversity in all that we do.

Accessibility

The Commission’s website has been designed to W3C standards of accessibility and includes a number of features to enhance accessibility for a wide range of individuals. These include colour contrast and resize options. Materials may be made available in alternative formats on request. If you have any accessibility requirements please contact us.

Online or in print

If you are viewing this document online, you will be able to navigate your way around by clicking on links either within the contents page or text.

Please check our website www.charitycommissionni.org.uk to make sure you’re using the latest versions of forms and guidance.

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Introduction

In the course of their work, public authorities gather large amounts of information. Some of this information is related to how the authority conducts its business and some is personal information, for example, names, dates of birth and addresses. In particular, the Charity Commission for Northern Ireland (the Commission) gathers information from all charities in Northern Ireland as part of compulsory registration and in the course of ongoing regulation. This information may include details of trustees, the purposes and activities of the charity, financial information, and documentation such as governing documents, meeting minutes and accounts.

Three pieces of legislation set out how public authorities, businesses and other organisations must handle and store information. The legislation also sets out how the public can access this information.

The [Freedom of Information Act 2000](#) and [Environmental Information Regulations 2004](#) set out how the public can have access to information held by public authorities. The [Data Protection Act 1998](#) gives legal rights to people who have personal information stored or processed by public authorities, businesses or other organisations.

This document sets out how the Commission meets its obligations under these pieces of legislation and how you can request information from the Commission. Requests for information in alternative formats will be considered by the Commission in accordance with its [Equality Scheme and Action Plan](#).

The [Information Commissioner's Office \(ICO\)](#) is the UK's independent authority set up to uphold information rights in the public interest. The ICO does this by promoting good practice, ruling on complaints, providing information to individuals and organisations, and taking appropriate action when the law is broken. More information about the ICO is available at the end of this document.

Section 1: Freedom of Information Act 2000

The [Freedom of Information Act 2000](#) (FOIA) places a duty on public authorities, for example, government departments, the National Health Service, and local authorities, to publish certain information about their activities. It also provides a general right of access to recorded information held by public authorities. This means that anyone, anywhere, can ask for information held by the Commission. These rights apply only to information requests made in writing or another recordable format. They do not, however, need to mention the legislation.

The FOIA sets out a range of exemptions to the right to access information and places a number of related obligations on public authorities. If the Commission refuses to release information, it has to explain under what exemption it has refused, and ensure that it meets any criteria relevant to the exemption.

1.1 Information that is already available

The FOIA requires every public authority to adopt and maintain a publication scheme which has been approved by the Information Commissioner's Office (ICO). The Commission's [Publication scheme](#) lists the type of information published under the following headings:

- Who we are and what we do.
- What we spend and how we spend it.
- What our priorities are and how we are doing.
- How we make decisions.
- Our policies and procedures.
- Lists and registers.
- The services we offer.

The regular publication of information reduces the need for a member of the public to submit a specific information request as information is free to download from our website www.charitycommissionni.org.uk.

If you cannot find the information you need you can submit a specific information request using the [online form](#) available on our website. Alternatively, we may be able to give you information straight away, for example, by answering a registration query via email.

If we feel a query should be dealt with as a Freedom of Information (FOI) request we will advise you of this.

1.2 How to make a request for information under the FOIA

To submit an FOI request to the Commission please complete the online *Freedom of information: request form*. This form has been designed to ensure that you provide as much information as possible to support the Commission in locating the requested information.

1.3 What happens next?

Once we receive a request we must reply, in writing, within 20 working days. The countdown begins the day after a request has been received. In our reply, we must confirm whether or not we hold the information and either provide the information requested or explain why it is not being provided. Under some circumstances the FOIA provides an exemption from confirming whether or not we hold information. For example, we may not confirm we hold information if, through this confirmation, we might prejudice a statutory inquiry.

We may require some clarification on your request in order to support us in undertaking a thorough search for the requested information. If we do require clarification, we will write to you promptly, asking for further information. Please note that the 20 working days deadline will not begin until we receive your clarification.

Under the provisions of the FOIA the Commission's responses to FOI requests are not considered to be confidential material. This means that the response to an FOI query is not regarded as private correspondence. For example, if you ask for information which the Commission holds on a charity, once that information is released to you, it is considered to have been released to the general public.

While the Commission does not routinely publish the responses to FOI requests, we will publish responses which we believe have a wider public interest. You can view the Commission's [FOI responses](#) to previous requests on the website.

Section 2: Environmental Information Regulations 2004

The [Environmental Information Regulations 2004](#) (EIRs) cover any information, specifically about the environment, which has been recorded by a public authority. The regulations also cover some other bodies that do public work which affects the environment. The definition of environmental information within the regulation includes information about pollution levels, waste management and land development. Sometimes information that does not seem to be environmental can still fall under the definition. For example, financial information that relates to the cost of redeveloping land, or building a leisure centre, would be classed as environmental information. The full definition of environmental information is contained in regulation 2 (1) of the EIRs, which is available at the link above.

2.1 How to make a request for information

A request for environmental information can be made either verbally or in writing and does not need to mention the EIRs specifically. A request can also be made to the Commission using the [Freedom of information: request form](#). It is important to provide an adequate description of the information requested, so that it falls within the scope of the EIRs.

2.2 What happens next?

Under the EIRs, the Commission must provide a substantive response to any request for environmental information as soon as possible and no later than 20 working days after receipt. The countdown begins the day after a request has been received.

Section 3: Data Protection Act 1998

The [Data Protection Act 1998](#) (DPA) gives legal rights to people who have personal information stored or processed by public authorities, businesses or other organisations. Under the DPA, for information to be considered personal data, it must relate to a living individual. The information must also allow that individual to be identified, either through use of that information on its own, or when used with other information likely to come into the organisation's possession. For example, an organisation holds information about individuals on one database. The records do not identify individuals by name, but by a unique reference number. This number can be matched to a spreadsheet which does identify the individuals concerned. The database and the spreadsheet are both held by the organisation. The information held on the database is therefore considered to be personal data.

3.1 How to make a request for information

A request under the DPA must be made in writing and must include something that identifies the person making the request, for example, a photocopy of a current utility bill showing your address or the identification page of a driving licence or passport. The Commission has produced a [Subject access: request form](#) to ensure enough information is provided to enable us to carry out the request.

3.2 What happens next?

Under the DPA, the Commission must provide a substantive response to any request for personal data promptly and within a 40 calendar day timescale. The countdown begins the day after a request has been received.

Section 4: Submitting requests for information

The Commission has produced a *Freedom of Information: request form* which can be used for Freedom of Information or Environmental Information requests. There is also a *Subject access: request form* which can be used to request information under the Data Protection Act. These forms have been designed to help you provide enough information to enable us to find the information you want. They are available on the Commission's website www.charitycommissionni.org.uk.

Alternatively, you may wish to submit your request to the Commission's Freedom of Information Officer via post to:

Charity Commission for Northern Ireland,
257 Lough Road
Lurgan
Craigavon
BT66 6NQ

4.1 Asking for a Decision review

If you are unhappy with our response to your request you can ask us to review it. Write to us asking for an internal review, setting out the reasons for your request. You should do this within 40 working days of receiving our decision.

A reviewing officer, who was not involved with the original decision, will review:

- how your request was handled
- any information provided to you
- the basis for any exemption which was used to limit the information provided to you.

Information on how to request a review will be included in our reply to your original request.

We aim to complete the decision review within the following timescales:

Type of request	Timescale
Freedom of Information (FOI) Request Review	Within 20 working days from receipt
Environmental Information Regulation Review	Within 20 working days from receipt
Data Protection Act / Subject Access Request Review	Within 40 days from receipt

The time period to complete the FOI review may be extended to 40 working days in exceptional circumstances, for example, where the request is complex.

Refer to Section 5 of the Commission's guidance on *Challenging a decision of the Commission* for more information on requesting a review of a decision made under the Freedom of Information Act or Data Protection Act.

If you are unhappy with the Commission's review, you can make an appeal to the Information Commissioner's Office (ICO).

Section 5: The Information Commissioner's Office

The [Information Commissioner's Office \(ICO\)](#) is the UK's independent authority set up to uphold information rights in the public interest. The ICO does this by promoting good practice, ruling on complaints, providing information to individuals and organisations and taking appropriate action when the law is broken. The ICO enforces and oversees the following legislation:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Privacy and Electronic Communications Regulations 2003
- Environmental Information Regulations 2004
- INSPIRE Regulations 2009.

Contact details for the ICO are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Email: casework@ico.org.uk

When writing or emailing the ICO, please include a contact telephone number.

Further information on our activities is available from:

**Charity Commission for Northern Ireland
257 Lough Road
Lurgan
Craigavon
BT66 6NQ**

www.charitycommissionni.org.uk

**Email: admin@charitycommissionni.org.uk
Tel: 028 3832 0220
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or other formats on request.**

