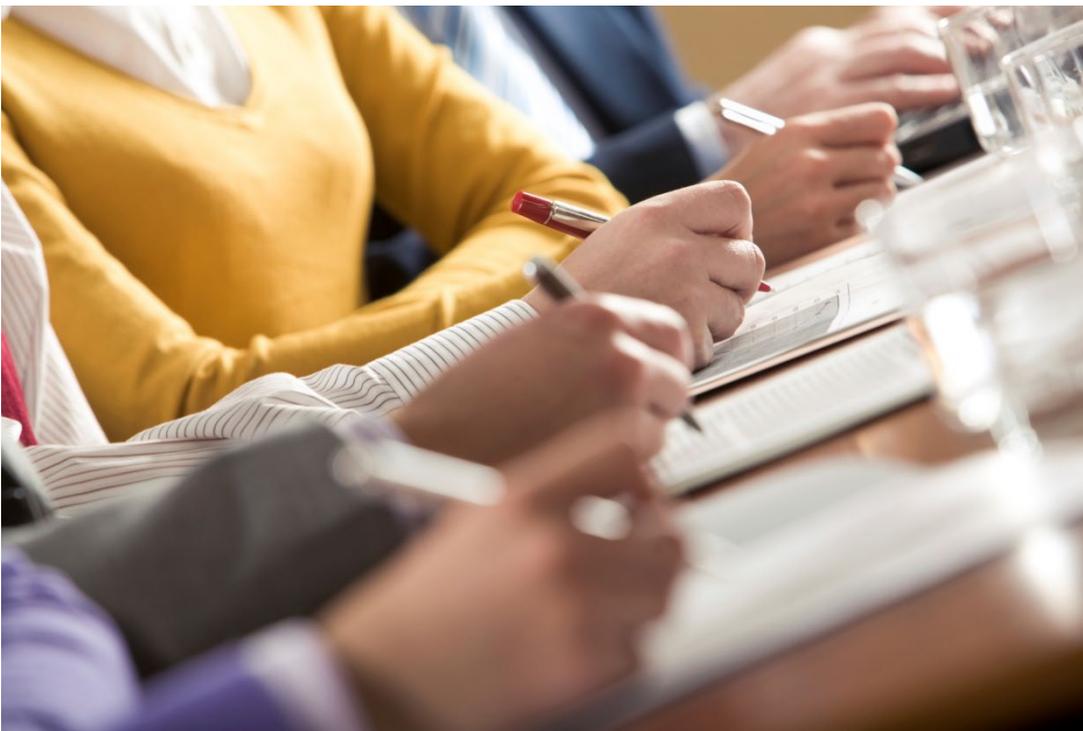


Access to information

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. The words in *blue italics* indicate other guidance, databases or external websites.

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

The Charity Commission for Northern Ireland is responsible for registering, regulating and reporting on the charity sector in Northern Ireland. As the charity regulator, we are lawfully required to collect and process general and personal data in order to achieve our statutory objectives, functions and general duties. This information may include details of charity trustees, the purposes and activities of the charity, financial information, and documentation such as governing documents, meeting minutes and accounts.

Four pieces of legislation directly influence how public authorities, such as the Commission handle, store and share information, including how the public can access this information. The [Freedom of Information Act 2000](#), [Environmental Information Regulations 2004](#) and [the Data Protection Act 2018](#) set out how the public can have access to information held by public authorities. The [Data Protection Act 2018](#) gives specific legal rights to people who have personal information stored or processed by public authorities, businesses or other organisations.

The Human Rights Act 1998 applies to all public authorities. It safeguards the right to respect for private life, including personal information as set out in Article 8 of the [European Convention on Human Rights](#) (ECHR). The link between data protection and this fundamental right is made explicit in the new EU General Data Protection regulation (GDPR) and addressed through the Data Protection Act 2018.

This document sets out how the Commission meets its obligations under these pieces of legislation and how you can, under certain circumstances:

- exercise your general right of access to information under Freedom of Information and Environmental data legislation
- exercise your rights as a data subject, to access personal information held about you and request the rectification, deletion or restriction of your personal information under Data Protection legislation

Requests for information in alternative formats will be considered by the Commission in accordance with its [Equality Scheme and Action Plan](#). Further information about the legal obligations imposed on the Commission can be found on the Information Commissioner's Office [website](#). 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, such as the Commission, to publish certain information about their activities. It also gives members of the public the right to know what information is held by public authorities and provides a general right of access to this recorded information.

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 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, telephone or by signposting you to relevant [Frequently asked questions](#) published on the

Commission's website. 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 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, normally within 20 working days. A working day means any day other than a Saturday, Sunday, or public holidays and bank holidays. 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 the response to an FOI query is not regarded as private correspondence. For example, if you ask for information 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 our 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. A working day means any day other than a Saturday, Sunday, or public holidays and bank holidays. 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.

Where we believe that the complexity and volume of the request would make it impractical to comply or reach a decision about whether we should refuse the request, EIRs permit an extension of time for compliance up to 40 working days. We will notify you in writing that we are extending the time for compliance as soon as possible, and no later than 20 working days after the date we received the request.

Under some circumstances the EIRs provide an exemption from confirming whether or not we hold information. For example, where confirming the information held would breach the Data Protection Act.

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 EIRs the Commission's responses to EIRs requests are not considered to be confidential material. This means the response to an EIRs query is not regarded as private correspondence.

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

Section 3: Data Protection Act 2018

The [Data Protection Act 2018](#) (DPA) gives legal rights to people who have personal information stored or processed by public authorities, under certain circumstances. These include the right to:

- be informed about how your data is being used
- get copies of your data
- have your data corrected
- have your data deleted
- restrict the processing of your data
- data portability
- object to how your data is processed in certain circumstances
- prevent decision making without human involvement

These rights are subject to the restrictions set out in Part 2 of Schedule 2 to the Data Protection Act 2018. In particular, they do not apply to personal data processed by the Commission for the purposes of discharging its statutory objectives and functions under the Charities Act (Northern Ireland) 2008. These functions are concerned with the protection of charities.

3.1 What is personal data?

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.

The DPA provides for a wide range of personal data identifiers, including name, identification number, location data or online identifier, such as an IP address. 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.

The Commission's [privacy notice](#), published on our website, provides information about how we use your data, our basis for collecting and processing information and our data retention policy.

3.2 How to make a request for information

You can submit a request for your information (subject access request) by contacting us via email to admin@charitycommissionni.org.uk or by calling us on 028 3832 0220. In addition, the Commission has produced a [Subject access: request form](#). This is designed to assist you to provide enough information to enable the Commission to carry out the request.

Before your request can be progressed, the Commission may require [proof of your identity](#) to ensure the person requesting information is who they say they are. You may be asked to provide two forms of identification, one being proof of identity and one to confirm address, for example, an original or certified copy of a current utility bill showing your address, as well as the identification page of a current driving licence or passport.

Under the right of subject access, an individual is entitled only to their own personal data and not to information relating to other people, unless they are acting on behalf of that person. Where an individual claims to be acting on behalf of a data subject, they will be required to provide evidence to support such a claim for example written authority to make the request or general power of attorney. If we believe an individual may not understand what information would be disclosed to a third party we will send our response directly to the individual rather than the third party.

3.3 What happens next?

The Commission will respond to any request for personal data within a 28 calendar day timescale, beginning the day after a request has been received. This timescale may be extended in certain circumstances, for example where additional information is required before the request can be processed. The Commission may extend this timescale by a further two months.

3.4 What information will be included in the Commission's response to my subject access request?

When exercising your right to access personal data you have the right to receive confirmation as to whether or not personal data about you is being processed. Where that is the case, you have the right to access such data and certain other information, including, in certain circumstances:

- the purposes of the processing
- categories of personal data held

- the recipients or categories of recipients to whom the personal data has been, or will be disclosed
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
- where the personal data was not collected from you directly, any available information as to its source
- the existence of automated decision-making, including profiling; the profiling logic, as well as the significance and envisaged consequences of such processing for you, the data subject

Please note this right is subject to certain exemptions and it may not be available in all cases.

3.5 What happens if my subject access request is refused or restricted?

In the event your subject access request is refused or restricted, the Commission will inform you:

- that your rights have been restricted
- the reasons for the restriction
- your right to make a request to the ICO under section 51
- your right to lodge a complaint with the Information Commissioner
- your right to apply to a court under section 167

Under certain circumstances the legislation provides an exemption from confirming whether or not we hold information, thus restricting your rights. We may also be exempt from providing reasons for this restriction. For example, we may not confirm we hold certain information or explain why we are restricting your rights if, in doing so, we might prejudice a statutory inquiry.

3.6 Under what circumstances will the Commission share personal data with a third party?

Personal data obtained by the Commission is held securely and in accordance with data protection rules and principles. This information is not disclosed to anyone not connected to the Commission unless:

- the individual concerned has agreed to its release (consent)
- the Commission is legally bound to disclose the information

- the Commission regards disclosure as necessary in order to properly carry out its statutory functions

The Commission may also disclose information or personal data to other relevant public authorities where it is lawful to do so and where, for the purposes of national security, law enforcement, or other issues of overriding public interest, such disclosure is necessary.

We will ensure any disclosure made for this purpose is lawful, fair, considers the individual's right to privacy and is made in furtherance of the Commission's statutory objectives. Further information on how we share personal data is available in our [Privacy notice](#).

3.7 Requests for personal data to be rectified, restricted or deleted.

3.7.1 How do I rectify (update) personal data held by the Commission?

The DPA states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact. In order to ensure the personal data we hold about you is accurate and up to date, the Commission underlines the need for charity trustees or their representatives to inform us of any relevant changes to the personal information we hold and in particular, publish.

Section 17 (3) of the **Charities Act (Northern Ireland) 2008** sets out a legal duty on the charity trustees of a registered charity to keep information on the [register of charities](#) up to date and accurate. For example, changes to charity trustee details must be made by or on behalf of the charity trustees using the Commission's [Online services](#). Personal information not published to the public [register of charities](#) may be rectified by the Commission on request, if appropriate to do so.

In certain circumstances, where you believe that a decision might be taken by the Commission based on an incomplete understanding of the facts, you can make a request for the Commission to update or supplement incomplete personal data held about you in advance of a decision being taken. This will depend on the Commission's purposes for processing your information and may also involve providing a supplementary statement to the incomplete data.

The Commission can refuse to comply with a request to amend information held if the request is entirely unfounded or excessive, also taking into account whether the request is repetitive in nature and if it relates to functions concerned with the protection of charities.

To request that your personal data be rectified or completed, contact us via email to admin@charitycommissionni.org.uk or call us on 028 3832 0220. A request to rectify personal data does not need to mention the phrase 'request for rectification' to be a valid request. The Commission will respond to any requests within 28 days of receipt, explaining any actions taken and the reasoning behind any decisions made. For example, a decision not to rectify the data, where the Commission is satisfied that the information is accurate. If further time is required, we will contact you to explain why and when you are likely to receive a response.

If you would like to make a complaint about the way we have processed your personal information, you can contact us via email to admin@charitycommissionni.org.uk.

3.7.2 How do I request that my personal data is restricted or deleted?

In certain circumstances, an individual has the right to request restriction or suppression of the processing of their personal data where:

- an individual disputes the accuracy of their personal data and the Commission is verifying the accuracy of the data
- the data has been unlawfully processed and the individual opposes deletion of the data and requests restriction instead
- the Commission no longer needs the personal data but the individual needs us to keep it in order to establish, exercise or defend a legal claim; or
- an individual has objected to us processing their data and we are considering whether the Commission's legitimate grounds override those of the individual.

A data restriction request is an alternative to requesting the deletion of personal data, is not an absolute right and is not appropriate if it relates to functions concerned with the protection of charities. Data restrictions may include, for example:

- temporarily moving the data to another processing system
- making the data unavailable to users

- temporarily removing published data from a website.

Action to restrict the use of personal data will depend on the Commission's reasons for processing it. For example, we may decide not to restrict the processing of personal data:

- if, in doing so, we might prejudice a statutory inquiry
- where processing or publication of the information is for the protection of the rights of another person (natural or legal)
- for reasons of important public interest.

You may have the right to have your personal data erased if:

- the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed
- you withdraw your consent (if given) and there is no other legal ground for the processing
- you object to further processing and there are no overriding legitimate grounds for the processing
- the personal data has been unlawfully processed
- the personal data has to be erased for compliance with a legal obligation to which we are subject

To request that personal data we hold on you is deleted, contact us via email to admin@charitycommissionni.org.uk or call us on 028 3832 0220.

The Commission will respond to your request for personal data to be rectified, completed, restricted or deleted, within a 28 calendar day timescale, beginning the day after a request has been received. This timescale may be extended in certain circumstances, for example where additional information is required before the request can be processed, the Commission may extend this timescale by a further two months.

Section 4: Human Rights Act 1998

The Human Rights Act (HRA) 1998 applies to all public authorities. It provides public authorities with a legal framework to help ensure their actions respect the human rights of those for whom they provide services. [Article 8 of the European Convention of Human Rights](#) (given effect in the UK by the [HRA 1998](#)), gives people the right to a private life, family life, home and correspondence.

The HRA has a broad focus and is complemented by the Data Protection Act 2018 and the Freedom of Information Act 2000. Regarding the right to private life, the HRA imposes a responsibility on public authorities to balance the rights of those requesting information with the rights of others and determines when public authorities can have good reason to interfere with or limit those rights.

As a public authority the Commission's first duty is to carry out its statutory responsibilities in relation to charities. In addition, the Commission has a statutory obligation to act in a way that is compatible with the European Convention on Human Rights in the performance of its functions. This means that the Commission needs to make sure that everything it does is compatible with those rights, in so far as it is possible for us to do so as a regulator.

Your right to respect for private life is enshrined in the Data Protection Act 2018. There are a number of exemptions however, which allow public authorities to collect and store personal data or release personal information without consent, where it is lawful, necessary, proportionate and legitimate for it to do so.

Section 5: 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,
Marlborough House
Central Way
Craigavon
BT61 4AD

5.1 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 28 days from receipt

The time period to complete an FOI, or EIRs review may be extended to 40 working days in exceptional circumstances, for example, where the request is complex. The time period to complete a SAR review may be extended by a further two months, if the request is complex or we have received a number of review requests from the individual. 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).

Regarding a subject access request (SARs), you also have the right to apply to the [court](#) under section 167 of the Data Protection Act to enforce your rights.

Section 6: 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 2018
- General Data Protection Regulation 2018
- Freedom of Information Act 2000
- Privacy and Electronic Communications Regulations 2003
- Environmental Information Regulations 2004
- INSPIRE Regulations 2009.

Contact details for the ICO local office are:

The Information Commissioner's Office – Northern Ireland
10TH Floor
Causeway Tower
9 James Street South
Belfast
BT2 8DN

Telephone: 028 9027 8757 / 0303 123 1114

Email: ni@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
Marlborough House
Central Way
Craigavon
BT64 1AD**

www.charitycommissionni.org.uk

Email: admin@charitycommissionni.org.uk

Tel: 028 3832 0220

**This document is available in large print
or other formats on request.**

