

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 February 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Charity Commission on the split of the Global Warming Policy Foundation into charitable and trading arms. The Charity Commission disclosed some information but relied on the exemptions at section 31, 40, 41 and 42 of the FOIA to withhold other information it held.
2. The Commissioner's decision is that section 31 can only be relied on in respect of some of the information to which it has been applied; similarly sections 41 and 40(2) can only be relied on in respect of some of the information to which they have been applied. Section 42 has been correctly applied to withhold all information it has been applied to.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - To disclose the information which is not protected by any of the exemptions cited as identified in the confidential annex which has been provided to the Charity Commission.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. Following a decision notice served on the Charity Commission by the Information Commissioner¹ stating that section 14 of the FOIA had been incorrectly cited to refuse a request; the Charity Commission considered again the request (originally made on 5 March 2015) for:

“all documents from the Charity Commission’s case C-350240 regarding the split of Global Warming Policy Foundation into charitable and trading arms.”

6. The Charity Commission responded on 4 February 2016. It explained that some information was considered reasonably accessible to the complainant (section 21) as it had previously been provided to a person acting on behalf of the complainant. For the remaining information held – documents in the file and information redacted from disclosed documents – the Charity Commission stated that section 31(1)(g) with 31(2)(c) and (f) provided an exemption from disclosure. The Charity Commission also explained that sections 41 (information provided in confidence), section 42 (legal professional privilege), and section 40 (personal information) applied to various parts of the withheld information.
7. Following an internal review the Charity Commission wrote to the complainant on 14 March 2016. It stated that it upheld its decision to withhold information on the basis of sections 31, 40, 41 and 42 of the FOIA.

Scope of the case

8. The complainant contacted the Commissioner on 4 April 2016 to complain about the way his request for information had been handled. Specifically, the complainant was unhappy with the reliance on sections 31, 40, 41 and 42 of the FOIA.
9. The Commissioner considers the scope of her investigation to be to determine if the Charity Commissioner has correctly withheld any of the information within the scope of the request on the basis of the above exemptions.

Background

¹ FS50581974

10. The Global Warming Policy Foundation (GWPF) was set up in 2009 as an educational charity and think tank on the issue of global warming. On 1 September 2014 it the GWPF announced it was launching a new campaign arm – the Global Warming Policy Forum. This new organisation would conduct campaigns and activities which were not within the remit of the GWPF as an educational charity and the request which is being considered here was for information held by the Charity Commission on the split of the GWPF into charitable and trading arms.

Reasons for decision

Section 31 – law enforcement

11. The Commissioner notes the Charity Commission is relying on section 31 to withhold information either in full or in part from a number of different documents. However, what the information has in common is that it is all directly related to discussions either with the GWPF or internally at the Charity Commission on the proposal for the GWPF to split, the deliberations of the Charity Commissioner over this and ensuring the GWPF continues to operate for the public benefit in line with its stated objectives as an educational charity.
12. The Charity Commissioner is specifically relying on section 31(1)(g) of the FOIA. This states that information is exempt if its disclosure would, or would be likely to prejudice the exercise by any public authority of its functions for any of the purposes in subsection (2).
13. As far as is relevant, the purposes listed in section 31(2) include:
 - 31(2)(c) – the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise; and
 - 31(2)(f) – the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other person) in their administration.
14. The Charity Commission has pointed to the Charities Act 2011², in particular sections 14 and 15, to find its statutory objectives. Included in these parts is the objective to promote compliance by charity trustees

² <http://www.legislation.gov.uk/ukpga/2011/25/contents>

with their legal obligations in exercising control and management in the administration of charities. As well as this, the Charity Commission is also responsible for encouraging and facilitating the better administration of charities, investigating misconduct or mismanagement in the administration of charities and taking action in connection with any misconduct or mismanagement.

15. The exemption provided by section 31(2)(g) can be engaged on the basis that the prejudice to the Charity Commission's functions either 'would' occur, or on the basis that the prejudice would only be 'likely' to occur. In this case the Charity Commission has argued that the prejudice it claims could be caused is only likely to occur. This lower test still requires there to be a real and significant risk of the harm arising if the information was released. Although it is easier to engage an exemption on the lower test, the fact that there is less risk of the prejudice occurring is taken into account when considering the public interest test.
16. In terms of how the prejudice is likely to be caused the Charity Commission has explained that in this case it was investigating whether the charity's activities furthered its charitable purposes as set out in the charity's governing document. The Charity Commission investigated these concerns and considered what regulatory action, if any, should be considered and in doing so sought information from the charity trustees.
17. The Commissioner notes that the GWPF announced the split to charitable and campaigning arms on 1 September 2014 and all of the information withheld in this case pre-dates the announcement as it relates to the interactions between the Charity Commission and the GWPF and the Charity Commission's internal deliberations on the issue. The request in this case was made in March 2015 but was reconsidered again in February 2016. Both of these occasions post-date the announcement of the new Global Warming Policy Forum and the conclusion of the Charity Commission's investigation.
18. Generally speaking, the Commissioner's view is that when considering the possibility of prejudice, a public authority can take account of circumstances as they existed up until the statutory time for complying with the request. In this case, the Charity Commission cannot therefore argue that disclosing the information would have any impact on the investigation itself as it had concluded but can only argue that the disclosure would have a possible prejudicial effect on any other future investigations.
19. On this point, the Charity Commission does have formal information gathering powers as set out in section 52 of the Charities Act 2011 but argues that obtaining information this way is far more bureaucratic and

instead it relies on voluntary information sharing. In this case it states the charity was frank and open in its correspondence and if it became known that information given in voluntary circumstances may be disclosed, especially where the charity is experiencing significant media comment, this would restrict the voluntary provision of material to the Charity Commission. This in turn would be likely to prejudice the Charity Commission's ability to carry out its functions effectively as it would have to use its formal powers resulting in the provision of more limited information and in a less timely manner.

20. The Commissioner accepts there is an argument that staff and trustees need to feel confident that anything they disclose to the Charity Commission will remain private at least until the conclusion of an investigation and the Charity Commission has had the opportunity to produce fully considered findings. The Commissioner is usually less willing to accept that disclosing information after the conclusion of an investigation would have a chilling effect on an individual's willingness to cooperate fully with a public authority in the future but she cannot dismiss these concerns entirely and would accept there is a potential prejudice to the Charity Commission's functions if information which was provided in the spirit of free and frank cooperation were to be disclosed, even after the investigation has concluded.
21. However, the Commissioner also recognises the request captures a range of information, some of which consists of comments from the Charity Commission on the proposals from the GWPF and may contain information which shows the internal investigatory practices of the Charity Commission. Some of the information is, however, much less revealing and simply provides some detail about internal practices at the public authority such as checking and agreeing drafts and wording for statements.
22. The Information Commissioner is somewhat sceptical that the disclosure of such information could have any chilling effect on the willingness of charities to cooperate fully with the Charity Commission in the future. However, the Charity Commission argues it would be likely to prejudice its ability to carry out its functions for a different reason. The Charity Commission explained that although it does provide information about its regulatory processes, including the publishing of Operational Case Reports (as it did in this case); some of the information withheld goes into greater detail. It argues that disclosing this information would be likely to prejudice its ability to conduct cases and communicate its decisions effectively and efficiently in the future. The information about the Charity Commission's internal investigatory practice could be used to help trustees in the future delay, attempt to evade detection or disguise misconduct or mismanagement which would in turn be prejudicial to the Charity Commissioner's ability to regulate effectively.

23. The Commissioner does accept that if any of the withheld information revealed detailed investigatory practices of the Charity Commission there may be an argument for stating that disclosing this into the public domain may allow trustees to have a greater awareness of what the Charity Commission considers when investigating certain issues and this could impact on the ability of the public authority to carry out its functions but, to accept this she must review the information to ensure that it does in fact reveal information that does reveal details of the Charity Commission's processes.
24. The Commissioner has, in light of this, reviewed each document provided by the Charity Commission where information has been withheld either in full or in part on the basis of section 31 to identify the information which could have a chilling effect, for example that which details communications between the GWPF and the public authority, and information which reveals the internal workings of the Charity Commission.
25. Having done this, the Commissioner has identified six documents that have been disclosed but with some redacted information under section 31 that she does not consider engages the section 31 exemption. On reviewing the redacted information in these documents the Commissioner is of the view that the information does not reveal significant detail about the Charity Commission's internal processes and are mostly internal emails discussing the wording of statements, press releases and answers to questions from journalists. The information is not about the processes the Charity Commission undertakes to investigate complaints and concerns or any criteria they may have or standard investigative techniques or questions they may employ. It is very difficult to see how disclosing the redacted information from these documents would provide trustees with any insight that would allow them to evade detection or disguise misconduct and the Commissioner does not accept disclosing this information would be likely to have a prejudicial effect on the Charity Commission's ability to carry out its functions.
26. For ease, the Commissioner has provided a confidential annex to this notice to the public authority setting out the document numbers and what information, if any, should be disclosed in each case but for clarity, the documents containing information redacted under section 31 which the Commissioner considers has been incorrectly withheld are documents 20, 28, 35, 37, 38 and 39.
27. For all other information withheld under the section 31(1)(g) with 31(2)(f) exemption, the Commissioner accepts the exemption is engaged as disclosure would be likely to prejudice the ability of the Charity Commission to carry out its functions effectively and efficiently

by virtue of the potential chilling effect on future communications. She has now gone on to consider the public interest test.

Public interest arguments in favour of disclosure

28. There will always be a public interest in disclosing information which allows scrutiny of how public authorities such as the Charity Commission operate and how well they serve the public in carrying out their statutory functions.
29. The Charity Commission has acknowledged the genuine public interest in knowing how it operates and spends public money. The public have a legitimate interest in the internal workings of the Charity Commission so that they can form a view about its efficiency and effectiveness.
30. The Charity Commission also recognises that charities are established for the public benefit and there is a legitimate public interest in knowing how a particular charity is operating. However, it argues that this was met by the publication of an Operation Case Report (OCR) which provides detail of the Charity Commission's inquiry and how it completed its business.
31. The complainant argues that the Charity Commission's guidelines clearly state they will hold charities to account and they will have to fulfil certain guidelines. Releasing information that shows how charities are held to account would be in the public interest as it increase vigilance in charities.

Public interest arguments in favour of maintaining the exemption

32. The Charity Commission strongly agrees with views expressed previously by the Information Commissioner³ that there is a strong public interest in not disclosing information which would be likely to impede the Charity Commission's ability to carry out its functions effectively. As such disclosing information which would be likely to frustrate the voluntary flow of information would not be in the public interest.
33. As well as this, the Charity Commission considers it would not be in the public interest for details of its internal investigatory practices and the types of information it exchanges with charities to be disclosed in the public domain. The Charity Commission does not believe that disclosing

³ FS50488815

the information found to engage section 31 would increase compliance by trustees with their legal obligations beyond any increase that would have occurred by the publication of the OCR, in reality it would be likely to make compliance more difficult as charities will be more reluctant to share information with the Charity Commission to obtain the advice and assistance they need.

Balance of the public interest arguments

34. The Commissioner has considered the particular circumstances with this charity and acknowledges that the GWPF have been a controversial charity. Questions were raised over whether it was an educational charity or had political aims and this resulted in the split into a charitable educational arm (GWPF) and a separately funded political arm following advice from the Charity Commission. This decision was covered by new organisations⁴ and other issues surrounding the GWPF continued to be reported⁵ on in the time leading up to the information request. Clearly, the issues surrounding the GWPF do add some weight to arguments that it would be in the public interest to understand the advice and assistance provided by the Charity Commission to the GWPF that led to the split.
35. The controversy as well as providing a strong public interest argument in favour of disclosing the information also provides an argument that disclosure would have a chilling effect on future communications. The effect on the engagement with GWPF in the future is likely to be most acute but the impact is not limited to just future communications with this charity but potentially any other charities who have to deal with the Charity Commission on other regulatory issues, leading to less forthcoming exchanges.
36. The information that engages section 31 is information provided by the GWPF to the charity on its operations, responses from the Charity Commission offering advice and assistance and internal Charity Commission discussions which detail the approach they take when investigating issues. This information is largely open and quite often detailed and, if disclosed, would provide much more detail on the Charity Commission's processes and the specifics of the communications between the GWPF than is currently available from the OCR.

⁴ <http://www.bbc.co.uk/news/uk-politics-28321641>

⁵ <http://www.independent.co.uk/environment/global-warming-policy-foundation-the-wealthy-backers-behind-the-climate-change-sceptics-a6767281.html>

37. The Information Commissioner has to balance the value in disclosing this information which would shed some further light on the information which was shared that resulted in the decision that the GWPF should split into a charitable and campaigning arm and the potential harm that would be caused to future inquiries and regulatory work by adversely affecting the quality of the information that could be obtained.
38. In looking at the value that would be added by disclosure, the Commissioner notes that the interest in the GWPF and its operations often focuses on its impartiality and whether it has an agenda. Interest in this is particularly high amongst green groups and campaigners raising awareness of climate change issues but it is not clear whether there is a wider public interest in information on the GWPF. The information in this case would serve to show how the Charity Commission investigated the concerns brought to it about the GWPF and whether it was operating as an educational charity, the outcome of which was known at the time of the request, but will not necessarily add anything to the continuing debate on the GWPF and its alleged agenda.
39. The Information Commissioner has also had regard for the fact that the exemption was engaged on the basis that the prejudice is only likely to arise.
40. Having considered all these factors the Information Commissioner finds that the public interest in favour of maintaining the exemption outweighs the in favour of disclosure. The Charity Commission is entitled to rely on section 31(1)(g) via 31(2)(f) to withhold the information.

Section 42 – legal professional privilege

41. The Commissioner has accepted that section 31 is engaged for the majority of the documents containing information it was applied to and has not gone on to consider the use of other exemptions for the same information. However, there are some documents which have been withheld in their entirety as they contain information the Charity Commission considers engages section 42 – these are the documents numbered 6, 30, 46 and 47.
42. Section 42 of FOIA states that information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.
43. Section 42(1) FOIA provides that information is exempt from disclosure if the information is protected by legal professional privilege and this claim to privilege could be maintained in legal proceedings. There are two categories of legal professional privilege; those categories are

advice privilege where no litigation is contemplated or pending and litigation privilege where litigation is contemplated or pending.

44. The Charity Commission has confirmed that in this case it is relying upon advice privilege.
45. Advice privilege applies to communications between a client and their legal advisers where there is no pending or contemplated litigation. Furthermore the information must be communicated in a professional capacity. The communication in question must also have been made for the principal or dominant purpose of seeking or giving advice. The determination of the dominant purpose is a question of fact, which can usually be determined by inspecting the relevant information.
46. The Charity Commission confirmed that it is satisfied that the information meets the criteria for engaging the exemption in that the legal advice is the following:
 - a) confidential;
 - b) made between a client and professional legal adviser acting in their professional capacity; and
 - c) made for the purposes of obtaining legal advice or assistance in relation to rights and obligations.
47. In this case the documents withheld in their entirety are notes of legal advice, requests for legal advice from Charity Commission employees to professional legal advisers in response to specific legal questions or requests for legal comment on a particular document. Any advice given was given in the legal adviser's professional capacity. The notes of advice only cover the advice given at meetings and the sole purpose of the information is to provide a summary of the legal advice provided. The Charity Commission states that the information in the documents remains confidential and has not lost its legal professional privilege as it has not been made available to the public or third parties.
48. The Commissioner considers that the withheld information is confidential as it has not been made publicly available and is between Charity Commission staff and Charity Commission lawyers. The information reflects legal advice relating to the, at the time, ongoing investigation and the legal issues surrounding the proposed split of the GWPF.
49. Upon considering the information withheld under section 42 FOIA and the submissions provided by the Charity Commission, the Commissioner considers that the section 42 exemption was correctly engaged.

50. As section 42(1) is a qualified exemption, the Commissioner has gone on to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure in all the circumstances of this case.

51. The Commissioner is mindful of the Information Tribunal's decision in *Bellamy v Information Commissioner (EA/2005/0023)* in which it was stated:

"...there is a strong element of public interest inbuilt into the privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest...it is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case..."

"The fact there is already an inbuilt weight in the LPP exemption will make it more difficult to show the balance lies in favour of disclosure but that does not mean that the factors in favour of disclosure need to be exceptional, just as or more weighty than those in favour of maintaining the exemption."

52. The Commissioner considers that whilst any arguments in favour of disclosing the requested information must be strong, they need not be exceptional. The Commissioner has also noted the comments of the Tribunal in *Calland v Information Commissioner (EA/2007/0136)* that the countervailing interest must be *"clear, compelling and specific"*.

Public interest arguments in favour of disclosure

53. The complainant has argued that there is a public interest in the disclosure of information on the GWPF as it is one of the most complained about charities over the last few years and it is acknowledged that the GWPF was not operating solely as a charitable organisation, hence the decision to split into charitable and trading arms. There is therefore a significant public interest in knowing how the Charity Commission functions in response to complaints against charities and how the GWPF may have influenced policy whilst benefiting from being a charity.

Public interest arguments in favour of maintaining the exemption

54. The Charity Commission has not provided any specific arguments relating to this exemption but instead relies on similar arguments to those provided in relation to the section 31 exemption but with the addition that disclosing legal advice and undermining the confidentiality inherent in legally privileged information would not be in the public interest.

Balance of the public interest

55. The Commissioner considers that there is a very strong public interest in promoting openness, transparency and to further public understanding in relation to this matter.
56. The Commissioner does also consider that there is a very strong public interest in the Charity Commission being able to obtain full and thorough legal advice to enable it to make legally sound, well thought out and balanced decisions without fear that this legal advice may be disclosed into the public domain.
57. Upon viewing the withheld legal advice the Commissioner considers that it related to an issue ongoing at the time and discussions on the charitable status of the GWPF. The Commissioner has not been presented with evidence that would suggest that the withheld advice has been misapplied or misrepresented in anyway.
58. It is recognised that the concept of Legal Professional Privilege (LPP) reflects the strong public interest in protecting the confidentiality of communications between lawyers and their clients and there is a public interest in safeguarding openness in communications between a client and their lawyer to ensure access to full and frank legal advice.
59. The Commissioner accepts that disclosing the legal advice might shed some further light on how the Charity Commission considered this issue but it is not likely to demonstrate how the GWPF influenced policy whilst it was still operating solely as a charity. The investigation by the Charity Commission was to look at whether the GWPF had been acting in a way which was outside its aims as an educational charity and to provide the GWPF with advice and assistance which, ultimately, led to the split into charitable and campaigning arms. The information in question here relates to the legal issue around splitting the GWPF and would not provide insight into how much influence the GPWF had been able to exert over policy makers on the issue of climate change.
60. On balance therefore, the Commissioner considers that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exemption as there is a strong public interest in legal professional privilege and allowing a public authority to be able to seek and obtain legal advice to fulfil its obligations and regulatory functions. Section 42(1) was therefore correctly applied in this case.

Section 41 – information provided in confidence

61. The Charity Commission has withheld some information on the basis of section 41 that is not also covered by either section 31 or 42 of the FOIA. This information is contained in document 10 and is a note of a

telephone call between the GWPF and the Charity Commission. The specific information that has been withheld is a statement detailing information provided by the GWPF in this telephone call when discussing a question from a journalist.

62. Section 41 provides that information is exempt if it has been obtained by the public authority from another body and its disclosure to the public would constitute an actionable breach of confidence.
63. Having reviewed the information in the telephone note the Commissioner is satisfied that it has been obtained from an external source. When considering whether disclosing the information provided by a third party would constitute a breach of confidence, the Commissioner takes into account whether:
 - the information has the necessary quality of confidence
 - the information was imparted in circumstances importing an obligation of confidence; and
 - whether disclosure would be an unauthorised use of the information to the detriment of the confider.
64. For information to have the necessary quality of confidence it must be more than trivial and not otherwise be accessible. The remainder of the telephone note has already been provided to the complainant and explains that the Charity Commission had been approached by a journalist wanting to know the latest position with the GWPF and that the Charity Commission wanted to let the GWPF know the proposed response before issuing it. The information withheld is the comment expressed in the telephone call by the GWPF to the Charity Commission's proposed response.
65. The Commissioner accepts that this information was provided by the GWPF to the Charity Commission and that there may have been some expectation at the time that views expressed in this telephone call would not be more widely shared, that being said the information itself is not particularly revealing and does not seem to be information that would be considered sensitive. Although it might not be correct to describe this information as trivial the Commissioner does not consider there would be any meaningful detriment to the GWPF if the information was disclosed.
66. Therefore the Commissioner is satisfied that the disclosure of this information would not constitute an actionable breach of confidence and section 41 is not engaged in relation to the information in document 10.

Section 40(2) – personal information

67. Section 40(2) of FOIA states that the personal data of someone other than the applicant can be withheld if its disclosure to the public would breach any of the data protection principles contained in the Data Protection Act 1998 (DPA).
68. Personal data is defined as information which both identifies a living individual and relates to that individual. The Charity Commission has redacted information from a number of documents on the basis that it constitutes personal data. This can be broadly put into three categories:
- contact information for Dr Benny Peiser of the GWPF (document 11 and 48);
 - email address for a BBC journalist (document 34, 37 and 38); and
 - other redactions identifying complainant (document 22 and 39)
69. During the course of the Commissioner's investigation the Charity Commission acknowledged its redaction of the BBC journalists work email address had been inconsistent as it had been disclosed on some documents and not on others. As such it accepted this information did not engage the section 40(2) exemption and the Commissioner now expects the Charity Commission to provide updated copies of documents 34, 37 and 38 with the information previously redacted under section 40(2) now provided.
70. For the remaining withheld information the Commissioner accepts the information is personal data and the Charity Commission argues that disclosing this would contravene the first data protection principle. This states that personal data should be processed fairly and lawfully, and in particular shall only be processed if a condition in Schedule 2 of the DPA can be met.
71. The Commissioner's approach when considering the first principle is to start by looking at whether the disclosure would be fair. Only if the Commissioner finds that it would be fair will she go on to look at lawfulness or whether a Schedule 2 condition can be satisfied.
72. 'Fairness' involves consideration of:
- The possible consequences of disclosure to the individual.
 - The reasonable expectations of the individual regarding how their personal data will be used.
 - The legitimate interests in the public having access to the information and the balance between these and the rights and freedoms of the particular individual.

73. The Commissioner will first consider the name of the complainant or information that could identify the complainant. Generally speaking the Commissioner accepts that individuals making complaints to public authorities would have no expectation that they would have their name or any information which might identify them put in the public domain.
74. However, in this case the identity of the person who made the complaint to the Charity Commission appears to already have been released into the public domain some time before the request was made for the information which is subject to this request. In fact, the identity of the individual was named in the BBC news article referenced at paragraph 34 of the decision notice and the identity of the complainant is also revealed in two further media articles⁶. As such, the Commissioner does not consider that disclosing information which identifies the individual would be unfair and therefore section 40(2) does not provide a basis for withholding this. The Commissioner therefore requires the Charity Commission to disclose the information previously withheld under section 40(2) in documents 22 and 39.
75. For the remaining information withheld under section 40(2) – the telephone and fax number of Dr Peiser – the Commissioner acknowledges that more senior individuals at organisations may have a greater expectation that information about them be released in their professional capacity. However, given the controversy around the GWPF at the time and the ongoing interest in some parts of the media and climate control groups around the role of the GWPF the disclosure of direct contact information for Dr Peiser could have had a detrimental impact on his working life. The Commissioner is therefore satisfied that disclosure of this contact information would be unfair.
76. The Commissioner has however gone on to consider whether any of the Schedule 2 conditions can be met, in particular whether there is a legitimate public interest in disclosure which would outweigh the right of the data subject as set out above.
77. The Commissioner does not consider that there is any significant legitimate public interest in disclosure of the contact information for Dr Peiser. It would not, to any significant extent, promote openness or

⁶ <https://www.theguardian.com/environment/2014/may/09/global-warming-policy-foundation-campaigning-move-is-deeply-cynical>

<https://www.theguardian.com/environment/2014/may/09/nigel-lawson-climate-sceptic-thinktank>

transparency surrounding the Charity Commission investigation and how this was conducted, or provide any insight into the GWPF split or the GWPF in general.

78. After considering the nature of the withheld information, and the reasonable expectation of the data subject, the Commissioner believes that the disclosure under FOIA would be unfair and in breach of the first principle of the DPA and that any legitimate public interest would not outweigh the right of the data subject in this case.
79. Therefore the Commissioner believes that section 40(2) FOIA is engaged in relation to the contact information and provides an exemption from disclosure.

Right of appeal

80. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

81. 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.
82. 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

Jill Hulley
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