

Possible extension of the Freedom of Information Act to charities

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The Independent Commission on Freedom of Information, chaired by Lord Burns, is currently reviewing the operating of the Freedom of Information Act and is due to publish its report in February. Whilst the extension of the Freedom of Information Act to charities was not included within the consultation issued by the Independent Commission, reports have been published suggesting that the Government plans to make charities which receive public funds more transparent by extending the scope of the Freedom of Information Act to them. This comes following the collapse of Kids Company which had received significant Government funding.

Under the Freedom of Information Act, as it currently stands, organisations have 20 working days to respond to a request for information and there are only limited grounds to refuse such a request.

Sector bodies have warned that extending the Freedom of Information Act could harm charities and their ability to provide services, particularly because resources would need to be directed to providing an infrastructure to respond to such requests. Charities are already required to publish more information than commercial organisations in their annual report and it has been suggested that other methods could be developed to increase transparency where charitable bodies are providing outsourced public services.

In January, Tom Brake, a Liberal Democrat MP, introduced a motion to extend the Freedom of Information Act to any charities, social enterprises or private companies that carry out public sector work. He cited a growing proportion of public sector working being carried out by private companies, such as G4S and Serco, and social enterprises and charities, such as Kids Company. The proposal was introduced in a 'ten-minute rule motion' which is where an MP is able to make a short speech in favour of a private members' bill. The House of Commons supported the motion, and so the Freedom of Information (Public Interest and Transparency) Bill is expected to have its second reading debate on 11 March.

We will be tracking the progress of this Bill and providing further updates.


It is likely that the bill will only become law if it has Government support. At present, the Cabinet Office has refrained from commenting until the Independent Commission has published its report.


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