Malvern Hills Trust

Ordinary Meeting of Governance Committee

Thursday 22 October 2026 at 6.30 pm

Park View Community Room
Malvern Town Council Community Hub
Victoria Road
Malvern WR14 2JY

Malvern Hills Trust

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Thursday 22 October 2026 at 6.30 pm

Members: David Core (Chair), Richard Bartholomew, Robert Berry, Mark Driscoll, David Fellows, Lucy Hodgson and John Raine.

A G E N D A

1. Apologies for absence
2. Chair's announcements
3. Declarations of Interest
4. Public comments
5. Matters arising from the previous meetings
    a. Whistleblowing rights – good practice
    b. Compliments procedure
6. Changes to the Governance Handbook and Standing Orders
7. Policies
    a. Access to Information Policy **Paper A**
    b. Risk Register (Governance)
8. Compliments and Complaints – tracking and reporting
9. Trustee training
10. Urgent Business
11. Date of Next Meeting – January 2027, to be announced.

Paper A
For Decision

Ordinary meeting of Governance Committee

Proposed New Policy: Access to Information

22 October 2026

Background

During early 2025, the Chair of Governance Committee and Secretary to the Board carried out a review of the list of Trust policies and their allocation to committees. This review identified the lack of any formal policy on the availability of information and how to request it, although there was an application procedure in place for members of the public to visit Manor House to view minutes and archives.

A full policy review schedule was approved by Governance Committee in June 2025. In June 2026, the Committee received the schedule of policies for which it has particular oversight and it was highlighted that a new policy on Access to Information would be presented to this meeting.

The attached draft policy aims to set out the Trust's overall approach and has two associated procedures, one for members of the public and the other for trustees.

Recommendation:

That Governance Committee consider the proposed new Access to Information Policy and recommend its approval to the Board.

Alison Marlow
Secretary to the Board
12 October 2026

Malvern Hills Trust

Access to Information Policy

1. Purpose

1.1. This Policy sets out how Malvern Hills Trust (MHT) will provide access to information about its work, governance, finances and impact. It supports MHT's commitment to transparency, accountability and good governance, in line with the Charity Commission's expectations that charities operate openly and in the public interest.

2. Regulatory Context

Under UK charity law and guidance issued by the Charity Commission, MHT must, as a charity, make certain information available to the public including:

- Our governing document, which is the Malvern Hills Acts of 1884, 1909, 1924, 1930 and 1995;
- Our latest annual report and accounts.

These are available on the Trust's website, or from our offices on request.

2.1. As a charity, MHT is **not** subject to the Freedom of Information Act 2000 (FOIA). However, MHT will apply principles of openness, accountability and reasonable access to information where appropriate, while recognising that FOIA does not apply to the Trust.

2.2. Since MHT performs certain public functions in relation to the environment, it may be subject to the Environmental Information Regulations 2004 (EIR) for those functions only. Although the legal position is unclear, MHT will respond on the assumption that the EIR apply. Requests for environmental information do not need to refer specifically to the EIR in order to be considered under those Regulations. Where a request appears to fall within the EIR, MHT will handle it in accordance with the applicable statutory requirements, including any relevant exceptions, response times and review rights.

2.3. Any requests for information will be considered in conjunction with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA). These give individuals rights over their own personal data, including the right to request access to personal information about themselves held by MHT. This is the Right of Access, often known as a Subject Access Request (SAR). See the Trust's Privacy Notice for further information. UK GDPR and the DPA apply to personal data, including personal data about staff, trustees, volunteers, contractors, complainants, members of the public and other third parties. They do not create a general right of access to organisational documents.

3. Scope

This Policy applies to all information created or held by MHT, in any format, and to all staff, Trustees, volunteers, and contractors. It covers requests made by:

- Donors and supporters
- Members of the public
- Regulators and partner organisations
- MHT Trustees

3.1. MHT recognises that its Trustees require reasonable access to information in order to perform their duties as charity trustees. Trustee requests for information must be made for a proper governance purpose and will be handled in accordance with **Procedure B: Trustee Requests for Information**. Access may be restricted where disclosure would breach data protection, confidentiality, safeguarding, legal privilege, commercial sensitivity, conflict of interest requirements or legal or governance obligations.

4. Transparency

4.1. The Charity Commission requires charities to be open about how they operate, use funds and deliver public benefit. To meet this commitment, MHT will proactively publish:

- Our Annual Reports and Accounts;
- Governance structure and trustee information;
- Agendas and open minutes of Board and Committee meetings;
- Strategic plans and impact reports;
- Key organisational policies.

These are all available on the Trust's website, or from our offices on request.

Draft agendas, preliminary drafts of minutes, confidential Board or committee papers, exempt-session material and papers containing personal data, legally privileged information, commercial sensitivity or other protected information will not normally be published or disclosed unless authorised and lawful.

5. Non-disclosure

5.1. MHT may refuse to provide information, or may redact it, if disclosure would breach one or more of the following:

- Data protection legislation
- Confidentiality agreements
- Commercial sensitivity
- Safeguarding obligations
- Legal privilege
- Security or operational risks
- Conflicts of interest
- Information requested by trustee for a purpose unrelated to trustee duties

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- Requests that are manifestly unreasonable, vexatious, repeated, excessively broad, unclear, or would require disproportionate resources to answer

If information is withheld or redacted, MHT will explain why and outline any available alternatives.

Where appropriate, MHT will consider whether information can be provided in part, in summary form, by inspection, or with suitable redactions.

6. Responsibilities

6.1. MHT staff are responsible for responding appropriately to requests for information, in accordance with this Policy and the relevant procedure. The Chief Executive, Secretary to the Board or another nominated senior officer will normally coordinate the handling of information requests, maintain records, seek specialist advice where required and ensure that any refusal, redaction or restriction is appropriately authorised.

6.2. Trustees are responsible for ensuring that requests for information are made for a proper governance purpose, are proportionate and specific, and that any information is used only for the performance of their trustee duties.

6.3. The Board of Trustees remains ultimately responsible for ensuring that information is managed and disclosed appropriately. Where a trustee request raises a conflict of interest, confidentiality issue, legal concern or governance concern, the matter may be referred to the Chair of the Board, the Chair of Governance Committee, or the Board, as appropriate.

Version Control - Approval and Review

This Policy will be reviewed every three years, and earlier if required following changes in legislation, Charity Commission guidance, or other significant factors.

Version No	Date approved by Board	Main Changes	Review Period
1.0	Nov 2026	New Policy	3 years

Next review due: October 2029

Regulatory Guidance

Charity Commission (England & Wales)

The essential trustee: what you need to know, what you need to do (CC3) - GOV.UK

Decision-making for charity trustees (CC27) - GOV.UK

Identifying and managing conflicts of interest in a charity (CC29) - GOV.UK

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Related MHT Policies & Procedures

Complaints Policy and Procedure

Conflicts of Interest Policy and Procedure

Data Protection Policy

Privacy Notice

Safeguarding Policy

Staff Trustee Protocol

Trustee Code of Conduct

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Appendix 1

Procedure A: Public and General Requests for Information

This Procedure explains how to request information from Malvern Hills Trust and how the Trust will respond to that request. It applies to members of the public, donors and supporters, partner organisations, regulators and others seeking access to information held by MHT. Trustee requests for information are handled under Procedure B.

1. How to request information

Anyone may request information held by MHT. Requests may be made by telephone, in person during office hours, by letter to the address below, or by email to info@malvernhills.org.uk. We do encourage written requests.

If you need help to make a request or require a reasonable adjustment, please let us know and we will try to assist. Where a request is broad, unclear or difficult to locate, MHT may ask you to clarify or narrow the request and will provide reasonable advice and assistance where practicable.

2. What MHT will do

Acknowledgement
MHT will acknowledge your request within five working days.

Information already publicly available
MHT will signpost you to the information if it is publicly available on our website.

Providing or inspecting information
If the information is held in paper form only and there are no restrictions relating to confidentiality, personal data or another non-disclosure ground, MHT will *either* provide it within 20 working days *or* make arrangements for you to visit our offices to inspect the relevant documentation.

Charges
MHT may make a reasonable charge to cover copying, postage, staff time where permitted, or other reasonable administrative costs. Where a charge applies, MHT will notify you of the amount in advance and may pause work on the request until payment is received.

Where information cannot be provided
MHT will explain clearly if the information cannot be provided and the reason why.

Declining or limiting requests
MHT may decline or limit requests that are manifestly unreasonable, vexatious, repeated, excessively broad, unclear, or would require disproportionate resources to answer. Where appropriate, MHT will offer advice and assistance to help the requester refine the request.

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3. Escalation

If you are not satisfied with the Trust's response to your request for information, you may ask for it to be reviewed. The review will normally be considered by the Chief Executive, Secretary to the Board, Chair of the Board, Chair of Governance Committee or another suitable non-conflicted person, depending on the nature of the request. The Board of Trustees retains ultimate legal responsibility.

You may also wish to refer to the MHT Complaints Policy and Procedure.

If you are still not satisfied, the following organisations may be able to assist you:

The Information Commission's Office (ICO), for data protection, subject access request and Environmental Information Regulations issues.

The Charity Commission, if you believe that documents you reasonably need as a beneficiary of the charity have been withheld.

4. Record Keeping

MHT will keep a proportionate record of public and general information requests, the response provided, any redactions or restrictions applied, any charges made, and any review or escalation outcome, in accordance with its data retention arrangements.

5. How to contact Malvern Hills Trust

In person: during office hours: from 9.00 am to 1.00 pm and 1.30 pm to 3.30 pm, Monday to Thursday (closed Friday)

Telephone: 01684 892002

Email: info@malvernhills.org.uk

By Post: Malvern Hills Trust
Manor House
Grange Road
Malvern WR14 3EY

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Appendix 2
Procedure B: Trustee Requests for Information

1. Purpose
This procedure explains how MHT Trustees may request access to information held by the Trust in order to carry out their duties as charity trustees.

MHT recognises that Trustees require timely and reasonable access to information to support effective oversight, informed decision-making, accountability and good governance.

2. How Trustees should request information
Trustees should normally make requests through the Referral form system on the Board Member area of the website. If the request is particularly complex, or the Trustee does not have Internet access, the Trustee may write directly to the Secretary to the Board.

Requests should be specific and should explain:
- the information requested;
- why the information is needed;
- how it relates to the Trustee's role, committee responsibilities or a matter of Trust governance;
- any relevant timescale, such as a forthcoming Board or committee meeting.

Where a request is unclear, broad or difficult to locate, MHT may ask the Trustee to clarify or narrow the request.

3. Proper purpose
Trustee requests must be made for a proper governance purpose connected with the Trustee's duties.

Information should not be requested or used for a personal purpose, external interest, campaigning purpose, commercial purpose, or in circumstances where the Trustee has a conflict of interest.

4. How MHT will respond
MHT aims to handle requests respectfully and efficiently. We will:
- acknowledge the request within five working days;
- confirm whether the information is held;
- provide the information, signpost the Trustee to where it is available, or explain why it cannot be provided;
- indicate if more time is needed due to the complexity, sensitivity or volume of the request.

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MHT will aim to respond to trustee enquiries within seven working days[1] where reasonably practicable. Urgent requests relating to forthcoming Board or committee decisions should be clearly marked as urgent.

5. Limits on access

MHT may refuse, defer, limit or redact information where disclosure would be inappropriate, unlawful or contrary to the interests of the Trust.

This may include information relating to:

- personal data;
- confidential employment, grievance or disciplinary matters;
- safeguarding;
- legal advice or legal privilege;
- commercial sensitivity;
- security or operational risk;
- ongoing negotiations;
- complaints, investigations or proceedings;
- actual, potential or perceived conflicts of interest;
- information not reasonably required for the Trustee's duties.

Where possible, MHT will consider whether information can be provided in part, with appropriate redactions.

Trustees should not normally expect access to confidential staff matters, individual grievances, disciplinary matters, safeguarding records, legally privileged advice, confidential complaints, live investigations, commercially sensitive material, or information relating to a matter in which they have an actual, potential or perceived conflict of interest, ***unless access is authorised and necessary for a proper governance purpose***.

6. Confidentiality and use of information

Information provided to Trustees must be used only for the proper performance of trustee duties.

Trustees must keep confidential information secure and must not disclose it outside the Trust unless authorised or legally required. Trustees must comply with the Trust's Code of Conduct, Staff Trustee Protocol, Data Protection Policy, Privacy Notice and any relevant confidentiality requirements.

[1] As per the Staff Trustee Protocol

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7. Escalation

If a Trustee is dissatisfied with the response to a request, they may ask for the matter to be reviewed.

Internal Review

Depending on the nature of the request, the review may be considered by the CEO, Chair of the Board, Chair of Governance Committee or the Board of Trustees.

Where the request involves the Chair, a conflict of interest, or a sensitive governance matter, the review should be handled by an appropriate non-conflicted person. This might be the Chair of Governance Committee, Vice Chair of the Board, another appropriate committee chair, an external adviser, or the Board excluding any conflicted trustee, depending on the circumstances.

External Review

If the Trustee is still not satisfied, the following organisations may be able to assist:

The Information Commission's Office (ICO), for data protection, subject access request and Environmental Information Regulations issues.

The Charity Commission, if you believe that documents you reasonably need as a Trustee of the charity have been withheld.

8. Records

MHT will keep a proportionate record of trustee information requests, the response provided, any restrictions or redactions applied, and any escalation or review outcome. Records will be retained in accordance with the Trust's data retention arrangements and may be used to support accountability, consistency, audit and governance oversight.

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