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On 8 Feb 2019, at 11:00, Ian Green:  
Dear Clair,

GRO-C

Thank you for your e-mail.

I am sorry that you had a sleepless night - the last thing we wish to do is to create any additional distress.

It is clear from your correspondence that there is a lack of clarity as to what can or can't be achieved in different timescales. Perhaps we can discuss this – and hopefully agree some shared expectations - when we meet on 7th March.

Just to make it clear I have an obligation to ensure that my trustees fully understand the issues that have been raised with us since the assets of the Macfarlane Trust were transferred to us in December so that they can consider how they wish to proceed. The last Board meeting took place at the end of November and the next meeting takes place in mid March so they have not yet had the opportunity of considering how they wish to proceed in light of your e-mail (and others) received just prior to Christmas. The March meeting will be the first meeting since then.

I will be recommending that they put in place a robust process for reviewing all loans, including the opportunity for you and others to make representations either in writing or in person. I am also hopeful that they will agree to some independent involvement in this process. Once this process has been agreed it will be communicated to all affected beneficiaries and they will be given equal opportunity to avail themselves of this process if they so wish – in a timely manner.

For the sake of completeness can I respond to a couple of additional points outlined in the your e-mail. You have raised a concern regarding Terrence Higgins Trust making a claim against your home. This is not the case. What has happened is that the loan and charge on your property has been transferred to Terrence Higgins Trust by the Macfarlane Trust. This was outlined in the letter sent to you in December by the Macfarlane Trust, the relevant paragraphs are set out below:-

“Your outstanding loan has been assigned to the Terrence Higgins Trust as set out in the enclosed ‘Notice of Assignment of Loan’ and the Macfarlane Trust has transferred relevant information and documents to the Terrence Higgins Trust to enable them to continue to administer the loan.

Please be assured that, in line with data protection legislation and guidance from the Information Commissioner’s Office (ICO), we have only transferred the minimum amount of your personal data that the Terrence Higgins Trust needs in order to manage your loan. We have also obtained assurances that

the Terrence Higgins Trust will continue to process your personal data fairly and lawfully.”

The assignment was actioned by the Macfarlane Trust with our knowledge as part of the transfer process.

I am also aware that you have made a Subject Access Request. I checked this morning and it is in hand. Under GDPR we have to ensure that every document is reviewed with any legally privileged content removed and any personally identifiable data of another person contained within documents redacted. This process is underway and I have been assured that you will receive the documents by the deadline of 24th February.

I am sorry that the earliest date that is available for a meeting is 7th March – unfortunately my diary is usually committed at least two months in advance. Naturally a meeting might be possible with another of my senior colleagues before then but it was my understanding that it was important that I attended this meeting. If this is not the case then I will see if the meeting can be brought forward.

I hope this provides you with clarity and gives you some comfort.

Regards,

Ian

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