

[REDACTED]

2 March 2012

Ref: FOI 12-007

Dear [REDACTED]

Thank you for your request for information, received on 3 February 2012. You asked us the following questions:

I would like to receive any risk assessment and risk review documents that the Olympic Park Legacy Company may hold regarding the Olympic Stadium being used by West Ham United Football Club following the 2012 Olympic Games.

I would also like to receive any documents that may act as risk assessments/ reviews, even if not directly titled as so.

Information Held:

1. Stadium specific Risk Registers compiled during the previous process
2. Stadium specific Issues Logs compiled during the previous process
3. Eversheds State Aid Advice

I am unable to provide information in items 1 - 3 as we consider your request to be exempt under Section 43(2) of the Freedom of Information Act 2000 (would or would be likely to, prejudice the commercial interests of any person – including the public authority holding it). Although the information relates to a historic bid process for the Stadium, as you are of course aware, a new process is now underway. The disclosure of the information would be likely to prejudice the commercial interests of OPLC, GLA, other stakeholders and third party bidders in the new tender process relating to the Stadium because it will reveal information which remains current in relation to OPLC's aims and objectives, evaluation methodology and negotiating position in relation to the process. Such information, if in the possession of potential bidders, could affect the ability of OPLC to achieve the best outcome in the new process and secure the best return for the public purse.

In providing this response we have weighed up the balance in being transparent and accountable in respect of our public functions against the need to run a commercial process that is robust in its confidentiality and fairness. We therefore consider that the effect on the commercial interests of OPLC and the prejudice which is likely to be placed on the running of the new tender process by the disclosure of this information outweighs the public interest in disclosing it. It is our view that the public interest is best served by OPLC and other stakeholders in the process maintaining the strictest levels of confidentiality of all information relating to this and related Stadium processes; an ability

to achieve the maximum return for the public purse and the optimum outcome from the current competition requires OPLC to maintain its bargaining position at this time.

I am unable to provide the information in item 3 as we consider your request to be exempt under Section 42 of the Freedom of Information Act 2000 (legal professional privilege). The legal advice included within the Eversheds advice note remains subject to legal professional privilege and should therefore be withheld under section 42 of the FOIA. It has been established that there is a strong public interest inbuilt into this exemption, due to the need to safeguard openness in communications between client and lawyer in order to ensure access to full and frank legal advice, which is essential to the administration of justice. In addition, there is substantial public interest in maintaining this exemption at this time because much of that advice will remain relevant in the context of the new tender process.

Please find attached the information that we hold relevant to your request. We have redacted sections of these documents where information remains commercially sensitive as we consider that the disclosure of this information is likely to prejudice the current process. We have therefore withheld this information under Section 43(2) of the FOI Act. Further, we do not consider that it would be in the public interest to disclose such information at this time.

- Board Report – Olympic Stadium legacy – Recommendation for Preferred Bidder
- Extract from the Draft Outline Business Case for the Olympic Stadium legacy revised draft v2.5
- Management Report extracts – risks and issues
 - 23 February 2011
 - 22 March 2011
 - 19 April 2011
 - 24 May 2011
 - 21 June 2011
 - 19 July 2011
 - 21 September 2011
 - Oct 2011
- Corporate Risk Register extracts – Stadium risks
 - 3/2/11
 - 7/3/11
 - 5/4/11
 - 11/5/11
 - 13/6/11
 - 7/7/11
 - 12/9/11
 - 19/10/11
- Monthly progress report Stadium
 - 190411
 - 260411
 - 160511
 - 030611
 - 300611
 - 250711
 - 050811
 - 090911

You are not permitted to re-use the information for publishing or issuing copies to the public; you will require the permission of the copyright owner.

If you are unhappy with our response to your request and wish to make a complaint or request a review of our decision, you should write to:

Executive Director of Finance and Corporate Services
Olympic Park Legacy Company
29-35 West Ham Lane
London
E15 4PH

Please note, complaints and requests for internal review received more than two months after the initial decision will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely



FOI Co-ordinator
Olympic Park Legacy Company