



20 June 2012

By post and by email

Dear 

Freedom of Information Act 2000 – Internal Review

Thank you for your letter dated 21 May 2012 requesting an Internal Review of our response to your Freedom of Information request ref: **12-011**.

In undertaking the Internal Review we have carried out a detailed investigation into:






- the process by which your response was handled; and
- the content of the responses provided to you.

Although our focus has been on request **12-011**, we have re-examined the FOI request correspondence between yourself and the London Legacy Development Corporation (Development Corporation) and have provided a full chronology for reference below. We have indicated in bold all requests that you raised a specific concern about in your letter.

I also attach a copy of the following Development Corporation policies for your reference:

- Freedom of Information and Environmental Information Regulations Policy; and
- Information and Records Management Policy.

Summary of Requests

- Information request received from  on 21 November 2011, further clarification provided on 22 November 2011. Enquiry contained 3 separate requests for information. (ref. **13-11**)
- Response provided to requests 1 and 2 of **13-11** on 20 December 2011, time extension requested for the 3rd request.
- Information request received from  on 20 December 2011. Enquiry contained 2 information requests. (ref. 16-11)
- Information request received from  on 10 January 2012. Enquiry contained 4 information requests. (ref.12-002)
- Response provided on 20 January 2012 to the 3rd request of **13-11**. Responses also provided to requests 1 and 2 of 16-11 and requests 1, 2, 3 and 4 of 12-002.
- Information request received from  on 24 January 2012. Enquiry contained 2 information requests. (ref. 12-004)
- Information request received from  on 2 February 2012. Enquiry contained 1 information request. (ref. 12-006)

- Information request received from [REDACTED] on 16 February 2012. Enquiry contained 5 information requests. This information request was originally sent by [REDACTED] to the press office. (ref. 12-008)
- Response provided to requests 1 and 2 of 12-004 on 21 February 2012.
- Information request received from [REDACTED] on 23 February 2012. Enquiry contained 3 information requests. (ref. 12-010)
- Information request received from [REDACTED] on 27 February 2012. Enquiry contained 3 information requests. (ref. 12-011)
- Response provided to request 1 of 12-006 on 1 March 2012.
- Information request received from [REDACTED] on 5 March 2012. Enquiry contained 3 information requests. (ref. 12-012)
- Information request received from [REDACTED] on 8 March 2012. Enquiry contained 1 information request. (ref. 12-013).
- Refusal letter sent to [REDACTED] on 13 March 2012 refusing all 5 outstanding requests of 12-008; refusing all 3 outstanding requests of 12-010; refusing all 3 outstanding requests of 12-011; refusing all 3 outstanding requests of 12-12 and refusing the 1 outstanding request of 12-013.
- Review requested by [REDACTED] on 4 April 2012 of the 5 information requests of 12-011.
- Refusal letter sent to [REDACTED] on 2 May 2012 refusing all 5 outstanding requests of 12-011.

Review of Process

Response time

1. From receipt of your first request on 21 November 2011 we undertook to comply with all the relevant processes in acknowledging and responding to all your information requests within 20 working days.
2. On 20 December 2011, within 20 working days, we did inform you that a time extension was sought to consider the further information request contained in your email of 22 November 2011 (ref. 13-11). We note that in our response to you dated 20 December 2011 we did incorrectly refer to '*..your clarified request for information, received on 1st December*'. This was an administrative error and should have read '*22nd November*' which was the correct date when we received your further revisions.

Christmas contact point

3. On 20 December 2011 in your email received at 17:43 you asked '*..is it possible to speak to someone within the FOI department to clarify anything in the documents...would it be suitable before 23rd December?*' We responded to you on this query on 21 December 2011 at 9:46 '*..The Company does not have an FOI Department, nor a dedicated post, so I would advise that you speak to someone in Press regarding any clarification of these documents, since someone in the Media team will be available over the Christmas period. The best number to contact them on is [REDACTED]*' We sought to assist you in providing an appropriate contact over the Christmas period in 2011, since those with FOI knowledge were unavailable during that time.
4. Your email of 16 February 2012 at 2:52:48 (ref. 12-008) to the press office was referred directly to the FOI Coordinator in line with our Freedom of Information Policy (para. 3.6).

Clarification and assistance

5. On 1 February 2012 at 18:02 you made an information request and sought the disclosure of the following '*..all emails, and transcripts of meetings, between Andrew Altman and John Alschuler between the period of 1st January 2011 and 15 March 2011.*' We responded to you on 2 February 2012 at 9:42 and acknowledged the new FOI

request (ref **12-006**). This is one of the information requests referred to in your letter of 21 May 2012.

We responded to this information request on 1 March 2012 and disclosed to you all the emails between Andrew Altman and John Alschuler between 1 January 2011 and 15 March 2011. We also informed you that *'We do not hold any meeting transcripts'*.

6. Following your information request sent on 16 February 2012 (ref. **12-008**) you sent further clarification at 15:48 with additional requests. We responded to you at 16:20 identifying that there were *'..5 specific points to be addressed from your freedom of information request:*
1. *Outline of the areas the bids failed to match requirements;*
 2. *Disclose amounts of each bid;*
 3. *Explanation for why course of action taken (competitive tender cancelled);*
 4. *Who made decision not to pursue competitive tender & commission single tender action;*
 5. *Explanation of circumstances of form oversight.'*

We wrote to you on 13 March 2012 in relation to the issue of assisting you with request **12-008** by releasing *'..details of our procurement processes and governance rules for the procurement of professional services..'*

On 4 April 2012 you did seek to accept our offer to release details of our procurement processes and governance rules, and this information was provided to you on 2 May 2012.

Cost calculations

7. Section 12 of the Act does provide that a public authority is not obliged to comply with a request for information if it estimates that meeting the request would exceed the appropriate cost limit. The appropriate limit is currently set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations'). The cost limit is currently set at £450 for the Development Corporation and this can equate to 18 hours work at £25 per hour. Under regulation 4(3) we may, for the purposes of our estimate of the cost limit, take account only of the costs we reasonably expect to incur in
- determining whether we hold the information;
 - locating a document containing the information;
 - retrieving a document containing the information;
 - extracting the information from a document containing it.
8. We informed you on 20 December 2011 that the requested information would exceed the cost limit, i.e. £450, and that we did provide to you on 13 March 2012 a breakdown of the calculations to support this. In summary, these are:
- 9 requests received between 22 November 2011 and 2 February 2012, with responses provided. Our information gathering calculations are 50 hours at £25, a sum of £1,250.
 - 15 requests received between 16 February 2012 and 8 March 2012, with responses refused under Section 12. Our information gathering calculations are 27 hours at £25, a sum of £675.
 - On 13 March 2012 we refused request **12-011** and the other outstanding requests because the time spent to date and the time anticipated to be spent in information gathering would exceed the appropriate costs limits.
9. As part of this Review we have reconsidered the requests refused on the grounds of exceeding the appropriate limit, and it is our view that these requests were "same and

similar” under the terms of Regulation 5 of the Fees Regulation and Section 12 (4) of the Act. It was therefore appropriate for us to aggregate them in order to calculate costs.

Review of Content

We have reconsidered all your information requests from 21 November 2011 to 8 March 2012, including the information request **12-011**.

We confirm that your requests for information for disclosure did cover the same or similar subject matter and that we did correctly treat these requests as linked requests under the Act. This was conveyed to you in our correspondence dated 13 March 2012 and 2 May 2012.

We disagree that **12-011** is an individual request and our decision to refuse disclosure to you is upheld under section 12 of the Act.

Conclusion

We have sought to undertake this Internal Review in a thorough, transparent and objective manner using, as far as possible, staff not involved in the initial Request process. We conclude that we did comply with all the appropriate processes pursuant to our Freedom of Information Policy and the Freedom of Information Act. In particular, we handled all your information requests in a timely, efficient and thorough manner. When we were unable to comply with your information requests this was communicated to you in a transparent fashion, with the relevant exemptions. However, we note that there may have been some misunderstanding regarding the contact point for Information requests after the Christmas break. We have clarified our procedures in relation to handling Requests between the Press Office and the Information team responsible for FOI.

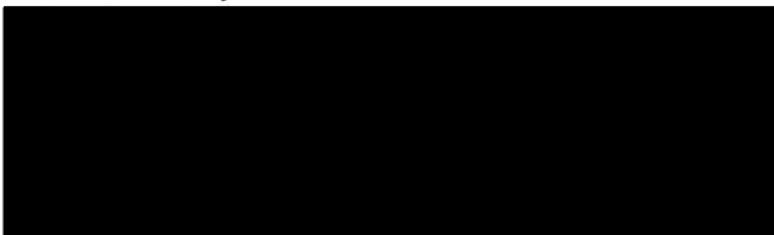
If you are not content with the outcome of this Internal Review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

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



Executive Director of Finance and Corporate Services

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