



Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

[REDACTED]

13 September 2013

Ref: FOI 13-028

Dear [REDACTED]

Thank you for your request for information, received on 15 August 2013, with clarification agreed on 20 August 2013. We note your email of today's date in regards to the additional time requested. We have been able to provide the information promptly and within the 20 working days.

Background

We notified you on 14 August that a party has sought a copy of your firm's financial viability report (FVR) related to the Neptune Wharf planning Ref:12/00201/OUT. You then requested the following from the London Legacy Development Corporation (LLDC or the Legacy Corporation):

"Further to your email of today's date, identifying that a party has sought a copy of the FVA which contains confidential commercial information relating to the Neptune Wharf planning application Ref 12/000210/OUT. As you are not able to identify the party requesting the information, under the above Act, we request that we be provided with:

- the details of the party requesting the FVA and associated material
- an un-redacted copy of their request
- a copy of the subsequent response that LLDC issue
- any communications between LLDC and the requesting party either prior to or subsequent to their FOI request
- any internal correspondence / communications / emails within LLDC in relation to the request and response.

Please find attached some of the information you have requested. Please note that some information has been redacted, as some of the information you have requested is being withheld, as it falls under the following exemptions under the Freedom of Information Act;

Section 40 Personal information

We have redacted the names of an individual, and this is exempt under section 40 of the Freedom of Information Act. The information is exempt under Section 40 of the Freedom of Information Act (DPA), if its disclosure would breach any of the Data Protection Principles under the Data Protection Act. The First Data Protection Principle requires that the disclosure of personal data must be fair, and, in particular, that disclosure of personal data must comply with at least one of the conditions in Schedule 2 of the DPA. We consider that the names of the relevant person is exempt from disclosure on the basis that this information

is personal data and disclosure of the information would be unfair to the person concerned and in breach of the First Data Principal. Also, we do not consider that the conditions set out in Schedule 2 of the DPA can be met to justify disclosure of this information.

Section 42 Legal professional privilege

In applying the exemption under section 42 we have had to balance the public interest in withholding the information against the public interest in disclosing the information. Legal advice has been provided to LLDC in relation to your request and is covered by this exemption and have been redacted under item 5 of your request, under internal documentation.

Although there is of course a public interest in promoting the transparency of the Legacy Corporation decisions and accountability of its participation in London's regeneration and planning, it has been established that there is a 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. Here disclosure would be prejudicial in order for the LLDC to consider how to approach the legal issues surrounding the request, and there is accordingly a public interest in maintaining the exemption at this time.

I have set out below our response to each one of your questions following your order:

1. the details of the party requesting the FVA and associated material

The personal information of the requestor is considered personal data as defined by the Data Protection Act 1998.

"personal data" means data which relate to a living individual who can be identified

a) from those data, or

b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;"

The Legacy Corporation contacted the requesting party (the data subject) and requested their consent to release their personal information as requested by this Freedom of Information request. Consent was refused, therefore the Legacy Corporation is withholding this information under section 40 (1) of the Freedom of Information Act 2000, the party requesting the FVA and associated material has not given consent for their personal details to be released.

2. an un-redacted copy of their request

"I am writing to request a copy of the Financial Viability Assessment submitted with the planning application for the redevelopment of Neptune Wharf on Wyke Road in Fish Island (LLDC Ref: 12/00210/OUT) under the Freedom of Information Act and Environmental Information Regulations 2004?". See appendix 1 for the request with redactions.

3. a copy of the subsequent response that LLDC issue [for 13-026 Freedom of Information request]

The Legacy Corporation have not yet responded to this request. A full copy of the response will be sent to Austin Mackie Associates Ltd before it is released, as per the Legacy Corporation standard practice.

4. any communications between LLDC and the requesting party either prior to or subsequent to their FOI request (clarified to correspondence between LLDC and the requesting party in relation to the Neptune Wharf planning application Ref: 12/000210/OUT).

Please find attached copies of the communication between the requestor of Freedom of Information request 13-026 (text as above in the response to question 2) and the Legacy Corporation. As per the response to question 1, where consent has not been received, the personal data has been redacted. The Legacy Corporation is withholding this information under section 40 (1) of the Freedom of Information Act 2000.

Appendix 2 – Planning & Policy Correspondence with the requestor

Appendix 3 – Officer File Note (extract)

Appendix 4 – Index

Appendix 5 – FOI correspondence with the requestor.

5. any internal correspondence / communications / emails within LLDC in relation to the request and response [for 13-026 Freedom of Information request].

Appendix 6 – Internal correspondence about the Freedom of Information requests relating to 13-026 and 13-028.

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
London Legacy Development Corporation
Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

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
London Legacy Development Corporation