

7 February 2014

BY EMAIL

Dear [REDACTED]

Request for Internal Review under the Freedom of Information Act 2000 (Ref: FOI 13-041)

We refer to your e-mail of 6th December 2013, in which you requested an internal review with regard to the response by the London Legacy Development Corporation ('the Legacy Corporation') of 6th December 2013 to your request for information dated 9th November 2013 ('the original request').

You have asked the Legacy Corporation to:

1. Review its own policies so as to ensure that it is fully compliant;
2. Review the original FOI response, to assess whether the Legacy Corporation holds the information that was requested.

The Legacy Corporation has now conducted this review to assess whether the Legacy Corporation has complied with its responsibilities under the Freedom of Information Act (FOIA), including timeliness and the duty to advise and assist. As such, an independent reviewer has: considered the information released against the information requested; fully reviewed the correspondence associated with the original request; and discussed with staff who dealt with the original request.

Our conclusion, following the internal review, is that the original response dated 6th December should be upheld; however, we apologise that we did not sufficiently assist you in our response by elaborating upon our reasoning. For clarity and ease of reference, we have addressed the questions you raised in the order in which you made them.

1. *Request for the Legacy Corporation to review its own policies so as to ensure that people are fully compliant*

In our response dated 6th December 2013, the Legacy Corporation outlined that it does not have any direct policies, codes of practice or regulations concerning the following:

- 'Best Interests' Decision-making policy
- Mental Capacity Act 2005 policy
- Mental Health Act 1983
- Deprivation of Liberty Safeguards interface between the Mental Capacity Act 2005 and the Mental Health Act 1983

and provided a copy of the Legacy Corporation's Equality and Inclusion and Data Protection policies were provided as appendices.

Upon review we uphold the original response, but regret that we did not provide further clarification as follows.

The Legacy Corporation is not an entity that makes decisions on behalf of adults who lack the capacity to make particular decisions for themselves. Consequently, the Legacy Corporation does not have a 'Best Interests' Decision-Making Policy and is not subject to the codes of practice and regulations concerning the Mental Capacity Act 2005. Furthermore, the Mental Health Act 1983 and Deprivation of Liberty Safeguards (DOLS) interface between the Mental Capacity Act 2005 and Mental Health Act 1983 do not directly apply to the Legacy Corporation's activities.

Nonetheless, the Legacy Corporation will give consideration to the Mental Capacity Act 2005 and the Mental Health Act 1983 as where it is appropriate to do so. Compliance with these policies and Acts is monitored through the Legacy Corporation's Equality and Inclusion and Equality policies.

2. Request for the Legacy Corporation to review its FoI response to the original request, lest there be part of the Legacy Corporation that has the information that was originally requested

We have reviewed the initial response and uphold the Legacy Corporation's response to you, as the requests relate to policies which we do not possess or legislation that is not directly applicable to the organisation. However, we regret that we did not elaborate upon our response with the reasoning stated above in response to your first request in this internal review.

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,



Jonathan Dutton
Executive Director of Finance and Corporate Services