



19 February 2015

INTERNAL REVIEW, REFERENCE 14-058

Dear 

We refer to your email of 23 January 2015 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

The internal review has been completed and the findings and recommendations of the internal review are as follows:

1. Report findings:

- 1.1. The internal reviewer reassessed the original request, the response and all of the associated documentation (including email correspondence).
- 1.2. A new public interest test was undertaken to weigh up the validity of the original decision. The justification for the use of the Section 42 exemption was investigated and further clarification was sought from the Legacy Corporation's legal representatives on the harm that disclosure of the state aid information could cause, this was then balanced against the reasons for releasing the information.
- 1.3. In summary it is the opinion of the Internal Reviewer that the public interest supports the information being withheld in the original response and supports the use of the FOIA Section 42 exemption for Legal Professional Privilege.

2. Recommendation:

- 2.1. The internal reviewer **recommends** that a formalised process is introduced, whereby the public interest test is formally recorded to provide documented evidence of the justifications to defend the use of any exemptions. (A draft version of a new Public Interest Test Report was used during this review).
- 2.2. This recommendation once implemented will add clarity to the Public Interest Test process, in particular the use of FOIA / EIR Exemptions.

2.3. The FOI/EIR Coordinator will design and formalise a new Public Interest Test process to be used for documenting the justifications for disclosing or withholding LLDC information, to be finalised and implemented by 31 March 2015.

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



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London Legacy Development Corporation