



23 January 2015

INFORMATION REQUEST REFERENCE 14-058

Dear 

Thank you for your information request, received on 19 December 2014. You asked us to provide the following information under the Freedom of Information Act 2000 (FOIA) / Environmental Information Regulations 2004 (EIR):

“Can you please send me a minute of the meeting at which the decision on non-existence of aid was taken by LLDC.”

I can confirm that the London Legacy Development Corporation (Legacy Corporation) hold the information you have requested.

The Board meetings are held in accordance with Section 100A of the Local Government Act 1972 (the Act). The agenda can include Part 1 (public) and Part 2 (private) items. The private section of the meetings are held in accordance with Section 100A(4) of the Act for items of business on the grounds that it would be likely to involve the disclosure of exempt information as defined in Part 1, Schedule 12A of the Act..

The minutes are published on the Legacy Corporation website and include high level summaries of the agenda items that were discussed during the private board session any decisions that were made.

The meeting relevant to your request was held on 19 February 2013 and the public minutes have been attached – in Annex A. The section within the private session minutes which relates to this agenda item has been extracted and attached as Annex B.

Please note that some information has been withheld from Annex B as it falls under the following exemptions under the FOIA:

Section 43 (Commercial interests)

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

9.4(c) has been withheld under this exemption. The withheld information includes information on West Ham financial arrangements. Release of this information would be likely to affect West Ham’s commercial interests, including negotiations.

Section 42 (Legal Professional Privilege)

(1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

9.4(h) has been withheld under this exemption. The withheld information is covered by the advice privilege and is considered confidential communications made for the purpose of legal advice. This is a qualified exemption and the public interest was taken into consideration. The Legacy Corporation recognises the public interest in promoting the transparency of their decisions and accountability, however there is also a strong requirement to safeguard openness in communications between client and lawyer in order to ensure access to full and frank legal advice, which is essential to effective governance. Here disclosure would be prejudicial to LLDC's ability to consider how to approach any legal issues in the context of the request and prejudicial to its handling of any similar situations in future and there is accordingly a public interest in maintaining the exemption at this time.

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

[Redacted signature]

London Legacy Development Corporation

