

[REDACTED]

13 November 2015

INFORMATION REQUEST REFERENCE 15-070

Dear [REDACTED]

Thank you for your information request, received on 28 October 2015. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“You recently released a further selection of content from the Olympic Stadium Rental Agreement between E20 LLP and West Ham United.

In this new content, there is a reference in P49: 11.1 (e) – to “subject to Stadium Naming Rights Participation Agreement”

Please provide me with a copy of the aforesaid Stadium Naming Rights Participation Agreement”

The Legacy Corporation confirms that they hold this information however it is being withheld under section 43(2) of the FOIA.

Section 43(2) - 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).

The section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party. Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information.

The procurement of a Stadium naming rights partner is still underway and detailed information about the Stadium Naming Rights Participation Agreement (Agreement) has been redacted within the concession agreement between E20 Stadium LLP and West Ham under section 43(2) of the FOIA as disclosure of information in relation to the stadium naming rights procurement would prejudice the commercial interests of E20 Stadium LLP and its members because it would impact on negotiations for the Stadium naming rights, which in turn would harm the Stadium's ability to achieve best value for the public purse.

There is, of course, a public interest in promoting transparency of the decisions and accountability in regards to the agreements that are entered into by public sector bodies, however, the Legacy Corporation have assessed the impact of releasing the information requested and believe that the disclosure of the information would be likely to prejudice commercial interests of the Stadium because it will reveal detail of financial arrangements which would be likely impact on negotiations for the Stadium naming rights partner, which in turn would harm the Stadium's ability to achieve best value for the public purse.

The Stadium needs to be able to successfully operate in a strong and very competitive market. The information identified as commercially sensitive, if disclosed, would be likely to put the Stadium at a competitive disadvantage within this market by allowing competitors of the Stadium or prospective partners, who are not subject to the same legislation, to gain access to commercially valuable information.

It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

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 response 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]

FOI / EIR Co-ordinator

London Legacy Development Corporation