

[REDACTED]

25 November 2015

**INFORMATION REQUEST REFERENCE 15-071**

Dear [REDACTED]

Thank you for your information request, received on 30 October 2015. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"In a written reply to GLA representative, Caroline Pidgeon, the Mayor of London stated:*

*"...the Legacy Corporation's legal advice is clear and unequivocal. That advice states that releasing all the details of the agreement into the public domain will seriously compromise future income from other potential users of the Stadium."*

*Please provide me with a copy of the document containing this legal advice. Please also state which external legal practice (if any) produced or helped to produce this document."*

The legal advice referred to is not contained within a single document but reflects advice given in legally privileged communications between the Legacy Corporation and its legal advisers, namely Transport for London Legal and Anya Proops, a barrister at 11 King's Bench Walk.

The Legacy Corporation has considered whether this information should be released under FOIA and has concluded that it should not. The Legacy Corporation has considered the application of the exemption in section 42 FOI Act, which applies to "information in respect of which a claim to legal professional privilege could be maintained in legal proceedings." Section 42 is a qualified exemption and the Legacy Corporation has accordingly applied the public interest test to decide whether the public interest in disclosing the information is outweighed by the public interest in disclosure.

It is clear that the communications between the Legacy Corporation and its legal advisers fall within the scope of section 42. They are confidential communications made for the purpose of seeking and receiving legal advice and as such are legally privileged.

Turning to the public interest test, the Legacy Corporation has had regard to the following factors:-

- The general public interest inherent in section 42 will always be strong due to the importance of the principle behind legal professional privilege: safeguarding openness in all communications between client and lawyer to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice. Strong countervailing considerations are needed to justify disclosure of legal advice.
- The Legacy Corporation has considered the public interest factors in favour of disclosure of the requested information, including the general public interest in transparency and accountability of public bodies and informing the public debate about the Concession Agreement.
- However, the Legacy Corporation has concluded that the stronger public interest lies in withholding the information because of the need to ensure that the Legacy Corporation as a public authority can obtain full and frank legal advice to inform its decision-making processes. There is a very strong public interest in ensuring that LLDC can obtain such advice, particularly where that advice relates to an on-going legal process (namely the ongoing appeal to the First-Tier Tribunal). The issues covered by the advice are live and will fall to be considered by the Tribunal within the next 2-3 months. The integrity of that process would be severely prejudiced if LLDC were to be required to disclose its legal advice.

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](http://www.ico.gov.uk)

Yours sincerely



FOI / EIR Co-ordinator  
London Legacy Development Corporation