

[REDACTED]

3 February 2016

INFORMATION REQUEST REFERENCE 15-084

Dear [REDACTED]

Thank you for your information request, received on 5 January 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

Please can you confirm the time and estimated/budgeted costs on each occasion that the Olympic is reconfigured to (or from) football mode to (or from) athletics mode.

I understand that these costs will be incurred by the Stadium operator (London Stadium 185) as part of their agreement with the LLDC. I do not seek details of the Vinci concession agreement, but would expect that as part overall business case for the installation of retractable seating and the Concessionaire agreement with West Ham United the LLDC would have an understanding of the estimated costs and stadium down time when conversion is taking place from their professional advisers.

The Legacy Corporation confirms that it holds 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) exemption is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider whether disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of any third party. Consideration is also given to the harm disclosure of 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 to withhold this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and as part of the public interest balancing test 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.

We consider that the section 43(2) exemption is engaged in this case because the disclosure of the information would be likely to prejudice the commercial interests of E20 LLP or its Operator LS185, in that it would impact on current and future procurements for a future retractable seating contractor. The information, if disclosed, could be used by bidders in any procurement to the substantial detriment of E20 and therefore ultimately the public purse.

We can confirm that we have given careful consideration to the public interest factors for and against disclosure of the information contained in your request and we consider that the balance of the public interest in non-disclosure outweighs the public interest in disclosing it.

We recognise and have taken account of the public interest in promoting transparency of decisions and accountability in regards to the agreements that are entered into by public sector bodies involving the expenditure of public money. However, it is the view of the Legacy Corporation that the public interest in withholding this information outweighs the public interest in disclosing it because of the detrimental impact of disclosure on the ability for E20, or its Operator LS185, to procure a contractor on the best possible terms.

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



On behalf of



FOI / EIR Co-ordinator

London Legacy Development Corporation