



4 March 2016

INFORMATION REQUEST REFERENCE 15-087

Dear 

Thank you for your information request, received on 11 January 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Pursuant to the U.K. Freedom of Information law, I am requesting an opportunity to obtain copies of the following public records:

1. *The long lease between the London Legacy Development Corporation (LLDC) and E20 Stadium LLP (E20).*
2. *Any and all written agreements, in addition to the long lease, between the LLDC and E20.*
3. *Any all written communications, including emails, between directors and/or employees of the LLDC and directors and/or employees of E20 for the time period starting on January 1, 2014 and ending on January 10, 2016.*
4. *Any and all written agreements between E20 and London Stadium 185 Ltd.*
5. *Any all written communications, including emails, between directors and/or employees of the LLDC and any individual associated with Newham Council that mention the term: “Olympic stadium”, “E20”, “London Stadium 185”, and/or ‘Balfour Beatty.’”*
6. *Any all written communications, including emails, among directors and/or employees of the LLDC that mention the term: “Olympic stadium”, “E20”, “London Stadium 185”, and/or ‘Balfour Beatty.’”*
7. *Any and all written agreements between LLDC and Balfour Beatty.*
8. *Any report, study, or investigation commissioned or performed by the LLDC that analyzed and/or estimated any of the following costs associated with the Olympic stadium: the regular cleaning of the stadium, the wages of turnstile operators, maintaining the ticket office, undersoil heating and floodlighting, drug testing and*

maintenance of medical facilities, security, pest control, and the CCTV surveillance system.

9. *Any all written communications, including emails, among, to, or from directors and/or employees of the LLDC that mention the term: "cleaners", "turnstile operators", "ticket office", "undersoil heating", "floodlights", "medical facility", "pest control," and "CCTV surveillance."*

The Legacy Corporation confirms that it holds the information you have requested. The four requests for written correspondence, 3, 5, 6 and 9, have been addressed together. The other requests are addressed after these and following your original order.

3. *Any all written communications, including emails, between directors and/or employees of the LLDC and directors and/or employees of E20 for the time period starting on January 1, 2014 and ending on January 10, 2016.*

Searches were run across our email system for all emails sent to or received from individuals working for E20 between the dates specified. Records within the email system exceeded 10,100 items and were over 9.8 GB in total size.

5. *Any all written communications, including emails, between directors and/or employees of the LLDC and any individual associated with Newham Council that mention the term: "Olympic stadium", "E20", "London Stadium 185", and/or 'Balfour Beatty.'*

Searches were run across our email system for all emails sent to or received from the Newham email address (@newham.gov.uk) between the dates specified, and mentioning the terms "Olympic Stadium", "E20", "London Stadium 185" or "Balfour Beatty". Records within the email system exceeded 83,000 items and were over 15.4 GB in total size.

6. *Any all written communications, including emails, among directors and/or employees of the LLDC that mention the term: "Olympic stadium", "E20", "London Stadium 185", and/or 'Balfour Beatty.'*

Searches were run across our email system for all emails sent to and also received from the Legacy Corporation email address (@londonlegacy.co.uk) between the dates specified, and mentioning the terms "Olympic Stadium", "E20", "London Stadium 185" or "Balfour Beatty". Records within the email system exceeded 279,000 items and were over 51.9 GB in total size.

9. *Any all written communications, including emails, among, to, or from directors and/or employees of the LLDC that mention the term: "cleaners", "turnstile operators", "ticket office", "undersoil heating", "floodlights", "medical facility", "pest control," and "CCTV surveillance."*

Searches were run across our email system for all emails sent before 11/02/2016 that mentioned the terms "cleaners", "turnstile operators", "ticket office", "undersoil heating",

“floodlights”, “medical facility”, “pest control,” and “CCTV surveillance.” Records within the email system exceeded 16,000 items and were over 3 GB in total size.

The FOIA allows us to aggregate the search results and in total these search results alone would have exceeded 432,000 items and be over 80.3 GB in size.

Given the search results for the email system, no further searches were undertaken in relation to your questions 3, 5, 6 and 9.

With consideration to the above figures, in so far as FOIA applies, we have estimated that the resources that would be required to locate, retrieve and extract this information would far exceed the appropriate limit.

The appropriate limit for the Legacy Corporation is £450, calculated as 18 hours at the rate of £25 per hour, however, only the time taken to:

- a. establishing if the information is held;
- b. locating the information;
- c. retrieving the information; and
- d. extracting the information,

can be taken into consideration when calculating the estimated costs of answering the request.

We have estimated that it would cost £18,000¹ to locate, retrieve and extract the information you have requested. This is based on an estimate of an individual being able to constantly review 10 records per minute. Extrapolating from this and based on 432,000 records, it would take an individual 720 hours to review all of the search results². This estimate does not include the time it would take to download the information from the system, the cost of the staff resource and the impacts of taking them away from their other responsibilities in order to undertake this work or the cost of identifying, locating, retrieving or extracting information on the fileserver in relation to the requests 3, 5, 6 & 9.

The Legacy Corporation cannot justify the cost or the use of the resources that would be required in order answer these requests. Consequently, the Legacy Corporation is not obliged under Section 12 of the FOIA to respond to your requests and we will not be processing these specific requests further.

Please find below the Legacy Corporation response to your other requests, following your order.

1. *The long lease between the London Legacy Development Corporation (LLDC) and E20 Stadium LLP (E20).*

Annex A is the Lease relating to premises known as Stadium Island Site between Legacy Corporation and E20 Stadium LLP, dated 20 December 2013.

¹ 720 x £25 = £18,000

² 432,000/10 = 43,200 mins. 43,200/60 = 720 hours

Annex B is the Lease relating to premises known as the Community Track adjacent to the Olympic Stadium, London between Legacy Corporation and E20 Stadium LLP, dated 20 December 2013.

Please note certain information has been redacted from these leases under the FOIA exemptions, s.31(1)(a) – law enforcement, s.40(2) – personal information and s.43(2) – commercial interests. Details for the application of these exemptions are below.

Annex C is the schedule of redactions for these leases and identifies which exemption applies to each specific redaction.

Section 31(1)(a) - Law enforcement.

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime

The section 31 exemption 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 the prevention of crime. 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 Legacy Corporation have assessed the impact of releasing this information and consider that the public interest in this particular information, namely details of the internal cash office and related security, would not benefit from this information being released into the public domain. The security of the Stadium would be jeopardised, and the prevention of crime would be likely to be prejudiced. It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

Section 40(2) – personal information

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied.

The section 40 exemption is absolute and is not subject to the public interest test. It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

In this instance, the relevant condition that applies is section 40(2) whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998. The redacted information includes the signatures. As we have not received consent of the data subject, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

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 Legacy Corporation have assessed the impact of releasing the information redacted under this exemption. 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 disclosure of the information within this agreement currently identified as commercially sensitive would be likely to prejudice commercial interests of the Stadium because it will reveal detail of financial information which would be likely impact on current and future negotiations for use of the Stadium, 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 small, 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, who are not subject to the same legislation, to gain access to commercially valuable information.

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

2. *Any and all written agreements, in addition to the long lease, between the LLDC and E20.*

In addition to the leases provided above, the Legacy Corporation hold the following agreements between Legacy Corporation and E20:

- i. The agreement for leases for the letting of premises known as Stadium Island Site. Dated 22 March 2013.
 - ii. Planning obligation by agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and all other powers enabling relating to the Olympic Stadium located within the Queen Elizabeth Olympic Park. Dated 12 August 2013.
 - iii. Supplemental planning obligation by agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and all other powers enabling relating to the Olympic Stadium located within the Queen Elizabeth Olympic Park. Dated 8 January 2014.
 - iv. Services agreement. Dated 25 September 2014.
- i. The agreement for leases is attached in Annex D. Please note certain information has been redacted from this agreement for leases under the FOIA exemptions, s.31(1)(a) – law enforcement, s.40(2) – personal information and s.43(2) – commercial interests. Details for the application of these exemptions are below.

Annex C includes the schedule of redactions for this agreement for leases and identifies which exemption applies to each specific redaction.

Section 31(1)(a) - Law enforcement.

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime

The section 31 exemption 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 the prevention of crime. 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 Legacy Corporation have assessed the impact of releasing this information and consider that the public interest in this particular information, namely details of the internal cash office and related security, would not benefit from this information being released into the public domain. The security of the Stadium would be jeopardised, and the prevention of

crime would be likely to be prejudiced. It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

Section 40(2) – personal information

*(2) Any information to which a request for information relates is also exempt information if—
(a) it constitutes personal data which do not fall within subsection (1), and
(b) either the first or the second condition below is satisfied.*

The section 40 exemption is absolute and is not subject to the public interest test. It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

In this instance, the relevant condition that applies is section 40(2) whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998. The redacted information includes the signatures and names. As we have not received consent of the data subject, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

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 Legacy Corporation have assessed the impact of releasing the information redacted under this exemption. 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 disclosure of the information within this agreement currently identified as commercially sensitive would be likely to prejudice commercial interests of the Stadium because it will reveal detail of financial information which would be likely impact on current and future negotiations for use of the Stadium, 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 small, 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, who are not subject to the same legislation, to gain access to commercially valuable information.

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

- ii. The Planning obligation agreement is accessible via the Legacy Corporation's planning register on our website. I have provided the link here: <http://planningregister.londonlegacy.co.uk/swift/apas/>. Choose the Search for a Planning Application option, and enter the reference number 12/00066/FUM in the Planning Reference field. There are two parts to this agreement.
- iii. The supplemental planning obligation is also available on our planning register, details as above.
- iv. The services agreement is attached in Annex E. Please note certain information has been redacted from this services agreement under the FOIA exemption is below.

Annex C includes the schedule of redactions for this services agreement.

Section 40(2) – personal information

*(2) Any information to which a request for information relates is also exempt information if—
(a) it constitutes personal data which do not fall within subsection (1), and
(b) either the first or the second condition below is satisfied.*

The section 40 exemption is absolute and is not subject to the public interest test. It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

In this instance, the relevant condition that applies is section 40(2) whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998. The redacted information includes the signatures. As we have not received consent of the data subject, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

Any and all written agreements between E20 and London Stadium 185 Ltd.

The Legacy Corporation have one agreement with London Stadium 185 (LS185) and E20 Stadium LLP. This agreement is being withheld under the FOIA exemption s.43(2).

S.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 Legacy Corporation have assessed the impact of releasing the agreement between E20 and LS185 under this exemption. 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 disclosure of the information within this agreement, currently identified as commercially sensitive, would be likely to prejudice commercial interests of the Stadium because it will reveal detail of financial information and future plans which would be likely impact on current and future negotiations for use of the Stadium, 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 small, 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, who are not subject to the same legislation, at gain access to commercially valuable information.

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

7. Any and all written agreements between LLDC and Balfour Beatty.

The Legacy Corporation has had many contracts with Balfour Beatty in relation to the transformation of Queen Elizabeth Olympic Park however none of these contracts are in relation to the Stadium transformation. Balfour Beatty contracts in relation to the Stadium transformation are between Balfour Beatty and E20 Stadium LLP (E20).

From your other current requests and your earlier request (LLDC ref: 15-079) I would suggest that you are interested in the Balfour Beatty agreements with E20 in relation to the Stadium as opposed to the general park transformation, however you need to confirm or clarify my understanding of your request. E20 is subject to FOIA and they are located within our corporate premises. With this in mind, if you confirm to me at FOI@londonlegacy.co.uk

that you are interested in the agreements between Balfour Beatty and E20 in relation to the Stadium, I will transfer your request to E20 to answer as a new request.

8. *Any report, study, or investigation commissioned or performed by the LLDC that analyzed and/or estimated any of the following costs associated with the Olympic stadium: the regular cleaning of the stadium, the wages of turnstile operators, maintaining the ticket office, undersoil heating and floodlighting, drug testing and maintenance of medical facilities, security, pest control, and the CCTV surveillance system.*

The Legacy Corporation do not have the information requested. While the Legacy Corporation has commissioned work that has made estimates of the operational costs, they did not breakdown the estimates into the level of detail as set out in the request.

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



FOI / EIR Co-ordinator

London Legacy Development Corporation