



Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



15 March 2016

INFORMATION REQUEST REFERENCE 16010

Dear 

Thank you for your information request, received on 16 February 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

"I write to request full disclosure of any contracts between the Olympic Delivery Authority/LLDC and Arcelor Mittal Orbit Ltd for either the construction or operation of the Arcelor Mittal Orbit tower. As well as all documents pertaining to this contract held by the LLDC both in its own right and as successor body to the Olympic Delivery Authority.

Where necessary please provide redacted copies of the contracts if the alternative is blanket non-disclosure.

Should you have any questions, please do not hesitate to contact me. I look forward to receiving the requested information. "

The Legacy Corporation can confirm that we hold the following contract for the construction or operation of the ArcelorMittal Orbit.

- Agreement between Olympic Park Legacy Company Limited, ArcelorMittal Orbit Limited and ArcelorMittal S.A, relating to the Orbit at the Olympic Park, Stratford, London; dated 29 September 2010.

This agreement is attached in Annex A.

It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received. Therefore the signatures have been redacted from this agreement under the FOIA exemption section 40(2):

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. 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 names and signatures on pages 22, 26, 65, 204 and 205 of the agreement. As we have not received consent of the data subjects, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

The Legacy Corporation contacted you on 23 February 2016 requesting clarification in regard to the second section of this request *“all documents pertaining to this contract held by the LLDC both in its own right and as successor body to the Olympic Delivery Authority.”*

The Legacy Corporation notified you that this term was too broad and requested that you clarify the records that you were specifically interested.

Within the Legacy Corporation documents, the ArcelorMittal Orbit is referenced under many different names, formats and abbreviations even without considering miss-spellings. A provisional search on the term AMO identified over 22.6 GB of information, searches on other standard terms and permutations would also need to be run to ensure all of the relevant information was initially identified. Then further searches would need to be undertaken on these results in order to identify documents relevant to the agreement.

Section 12 of the Freedom of Information Act 2000 makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit.

FOIA Section 12 Exemption where cost of compliance exceeds appropriate limit.

- (1) *Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*
- (2) *Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.*
- (3) *In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.*
- (4) *The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—*
 - (a) *by one person, or*
 - (b) *by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,**the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.*
- (5) *The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.*

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.

While the Legacy Corporation takes their responsibilities to both FOIA and public safety seriously, we have estimated that the cost of complying with the request as it stands and to identify and extract all of the possible information would far exceed the appropriate limit as provided by section 12 of the Freedom of Information Act 2000. Consequently, under section 12 of the FOIA, the Legacy Corporation is not replying to this part of your 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