

04 May 2016

INFORMATION REQUEST REFERENCE 16029

Dear [REDACTED],

Thank you for your information request, received on 5 April 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Environmental Information Regulations 2004 (EIR):

"I would like to request all the factual ground investigation data (pdf reports and AGS format data) and the earthworks validation reports and associated electronic data in excel or database format for the Olympic Park south enabling works contract.

The ground investigation work was undertaken by BAM Nuttall and the GI Contractors were Harrison Group Environmental, White Young Green and BAM Ritchies. The earthworks validation reports were written by Halcrow for BAM Nuttall and the lab testing performed by ESG. All the Olympic Park digital data was put into a SQL server database known as the datawarehouse which was operated by CLM."

There have been four stages for this work –

Stage 1 was enabling
Stage 2 was the follow on
Stage 3 was with LOCOG
Stage 4 is the transformation.

Within each of these stages there are multiple zones, only zones 1, 2, 3 and 8 are relevant to the Olympic Park South.

The Legacy Corporation can confirm that they hold some of the information you have requested. The volume of information requested is such that we are refusing to respond to the full request under the EIR exception reg. 12(4)(b) on the grounds that providing all of the information requested is manifestly unreasonable. While there is a presumption in favour of

disclosure under EIR, the request as it stands would place unreasonable demands on our resources.

The request asks for ALL factual ground investigation data, earthworks validation reports and associated electronic data in relation to the Olympic Park south enabling works contract. The resources required to identify, locate and extract all of the information associated with this request would be too burdensome on the Legacy Corporation's limited resources. The Legacy Corporation currently employs less than 140 staff, and making available the additional personnel resources that would be required in order to identify, retrieve and extract the information requested in order to answer this request would place a disproportionate burden on the Corporation and would greatly distract for the Corporation's ability to deliver its other responsibilities.

While there are no appropriate costs limit under the EIR, the exception at regulation 12(4)(b) of the EIR can apply if the cost or burden of dealing with a request is too great.

Information Commissioner's Office guidance suggests that, as with the Freedom of Information Act (FOIA), public authorities use a rate of £25 per hour for any staff time involved as this is an indication of what Parliament considers to be a reasonable charge for staff time. In assessing whether the cost or burden of dealing with a request, public authorities need to consider the proportionality of the costs involved and decide whether they are clearly or obviously unreasonable.

This does not take into consideration the detrimental impact on the other responsibilities of the personnel involved.

The Legacy Corporation have considered the public interest in respect to this decision and appreciate that they also have to balance public interest with the effective, efficient and economic use of the resources that they have responsibility for as a public authority and in this instance cannot justify the costs that would result from fully responding to this request as it currently stands.

We have therefore considered your request, and believe it to be manifestly unreasonable under regulation 12(4)(b) of the Environmental Information Regulations 2004.

However, under EIR we also have a responsibility to provide advice or assistance where it will help the requestor with their request. While we cannot provide all of the information requested as explained above, we can provide Consolidated Valuation Reports (CVRs) for the zones relevant to the Olympic Park South (zones 1, 2, 3 and 8) for each of the completed stages (1, 2 and 3). The reports for Stage 4 have also been included, however please note that some of these reports are draft and have not been finalised and there currently is not a report for Zone 3.

Each of these CVRs contains references to multiple planning applications which in turn contain some of the information that has been requested. These planning applications are publically available via our planning register:

<http://planningregister.londonlegacy.co.uk/swift/apas/run/wchvarylogin.display>.

Reg. 13(1) - Personal data

13(1) To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.

(2) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—

(i) any of the data protection principles;

It is the standard practice of the Legacy Corporation to redact personal information unless consent to release has been received. As such, names and other personal data have been redacted from the CVRs in line with regulation 13(1) of the Environmental Information Regulations 2004 regarding personal data. This Regulation states that a public authority shall not disclose personal data, to the extent that the requested information includes personal data of which the applicant is not the data subject and as respects which the conditions in either Regulation 13(2) or Regulation 13(3) apply. In this instance, the relevant condition that applies is Regulation 13(2)(a)(i), whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998. 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).

Documents provided via CD:

Stage 1 Zone 1 CVR
Stage 1 Zone 2 CVR
Stage 1 Zone 3 CVR
Stage 1 Zone 8 CVR
Stage 2 Zone 1 CVR
Stage 2 Zone 2 CVR
Stage 2 Zone 3 CVR
Stage 2 Zone 8 CVR
Stage 3 Zone 1 CVR
Stage 3 Zone 2 CVR
Stage 3 Zone 3 CVR
Stage 3 Zone 8 CVR
Stage 4 Zone 1 CVR
Stage 4 Zone 2 CVR
Stage 4 Zone 8 CVR

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