



27 October 2016

**INTERNAL REVIEW - REFERENCE 16034**

Dear 

We refer to your email of 17 May 2016 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to questions 3 and 4 of the response you received from the London Legacy Development Corporation (Legacy Corporation) to your information request referenced as above.

**1. Background**

The original request and response:

*Q3: Could you please provide me with full, unredacted agreements between the LLDC and the relevant event organisers for hosting the upcoming boxing event at the Copper Box arena?"*

**LLDC response:** The Legacy Corporation does not hold the information you have requested. The Copper Box arena is operated on behalf of the Legacy Corporation by Greenwich Leisure Ltd (GLL). As the venue operator, GLL is responsible for all agreements for events at the venue. The Legacy Corporation does not enter into agreements with individual hirers of the venue.

*Q4: Could you please provide me with full, unredacted agreements including the financial arrangements of the agreements between LLDC and London Lions and London GD for their tenancy at the Copper Box Arena."*

**LLDC response:** The Legacy Corporation does not hold the information you have requested. The Copper Box arena is operated on behalf of the Legacy Corporation by Greenwich Leisure Ltd (GLL). As the venue operator, GLL is responsible for all agreements for events at the venue. The Legacy Corporation does not enter into agreements with individual hirers of the venue.

The internal review request:

*I would like to appeal your response specifically in relation to questions 3 and 4 of my request regarding the tenancies at the Copper Box Arena.*

*The FOI Act, as you know, applies to information held by, or on behalf of, a public authority. While GLL may be the stadium operator, it is acknowledged they are operating the venue on behalf of the LLDC, as stated in your answer "The Copper Box arena is operated on behalf of the Legacy Corporation by Greenwich Leisure Ltd (GLL)".*

*Therefore it must be considered that the contract will be held by GLL on behalf of the LLDC. Could you please reassess this response and provide me with the requested information.*

The internal review has been completed and the findings and recommendations of the internal review are as follows:

## **2. Review findings:**

The GLL contract was reviewed by the Legacy Corporation legal service with consideration to the Freedom of Information Act 2000. The legal assessment was that, under the terms of the GLL contract, the Legacy Corporation did hold the information requested even though they did not actually hold a physical or electronic copy of the information at the time of the request.

At this stage, the internal review was delayed as the Legacy Corporation did not at that time have copies of any of the agreements requested and GLL did not agree with the legal assessment. After extensive discussion, GLL has provided redacted copies of the three agreements covered by the initial request, along with their public interest assessment for each of their requested redactions under commercial interests and personal data. All of the assessments were reviewed by the Legacy Corporation which led to GLL revising the redactions on the agreements.

## **3. Panel Recommendations:**

The Internal Review Panel acknowledge that the agreements requested in question 3 and 4 are held by the Legacy Corporation and recommend that the original information requested is released with this response subject to the public interest assessment of the s.43(2) exemptions as below.

Please find attached:

Annex A: Contract for Hire Venue between GLL and Queensbury Promotions Ltd, including cost proposal document [redacted];

Annex B: Tenancy agreement between GLL and London Lions [redacted];

Annex C: Tenancy agreement between GLL and London GD [redacted].

Annex D: Schedule of the redactions with the specific exemption applied.

Please note: Information has been redacted in these agreements under the following exemptions:

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.

Based on the information provided by GLL, 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 currently identified as commercially sensitive within these agreements would be likely to prejudice commercial interests of GLL as it will reveal details of financial information which would be likely to impact on current and future negotiations for use of the Copper Box Arena.

The information identified as commercially sensitive, if disclosed, would be likely to put the GLL at a competitive disadvantage within this market by allowing competitors, 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.

GLL also requested that the personal information within the agreements be redacted. In association with this, it is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

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 for these agreements. As we have not received consent of the data subjects through GLL, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

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



Deputy Chief Executive  
London Legacy Development Corporation