

[REDACTED]

14 June 2016

INTERNAL REVIEW - REFERENCE 16035

Dear [REDACTED]

We refer to your email of 16 May 2016 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

1. The original request, received 15 April 2016.

"Please can you provide me with a document which sets out the full agreement for the use of the Olympic Stadium between World Rugby (organisers of the Rugby World Cup 2015) and LLDC.

Should you choose to assert that the information is not available under the Freedom of Information Law, please provide a detailed legally based explanation for this assertion."

The response was sent on 16 May 2016 and is attached in Annex A for reference.

2. Internal Review request, received 16 May 2016:

"I would like to appeal the redactions made under section 43 of the FOI Act. I do not accept that provision of this information would negatively affect your commercial interests.

This deal was agreed in 2014 when the stadium, as a multi-purpose arena, was in its infancy. Any negotiating position at that time would be wholly different to the position the LLDC would be in negotiating the use of a now complete stadium with globally renowned stadium sponsors and a global brand such as West Ham United occupying the stadium as anchor tenants. In addition to that, the Rugby World Cup (RWC) was the first major non-athletics event hosted at the stadium. Being able to point to the success of this

tournament will put the LLDC in a stronger position in future negotiations meaning any future deals will be justifiably different to this one.

Furthermore, the RWC was a multi-venue tournament in which any organisers of the same or similar tournaments would, by definition, approach multiple venues for usage of their facilities and therefore already have a comparative set of figures between stadia in London and the UK. Any single-stadia tournaments or events would, again, be negotiating from a very different position due to exclusivity and a different number of usage days and so I do not accept that provision of this information would harm your commercial interests.

There is, of course, a significant public interest in disclosure to ensure that a competitive rate was obtained. With corruption seemingly rife in the allocation of Football World Cups there is an obvious public interest in disclosure to inform the public that the hosting of this event was subject to standard competitive rates and that those involved are accountable for their decision making in relation to a public asset.

I therefore urge you to remove the exemptions applied under s43.”

3. Review findings

The internal review reviewed all of the information within the agreement that had been withheld under s.43 (2) with consideration to the reasons provided by the complainant for why the information withheld should not be considered commercially sensitive. Information that was withheld under the s.40 exemption for personal information and s.31(1) Prevention of Crime were not reviewed.

The Legacy Corporation has reviewed the information and assessed that further information can be released. The remaining information previously withheld under section 43(2) is still commercially sensitive.

PDF Page	Reference	Original response	FOIA Exemption	Internal review response
8	Stadium Contribution	Redacted	s.43	Release. Not commercially sensitive.
8	Test Event fee	Redacted	s.43	Do not release. Commercially sensitive. Details on sensitivity are provided below.
18	Licencing and test event programme [8.4(a)]	Redacted	s.43	Release. Not commercially sensitive.
28	Access to venue following exclusive hire period [13.5]	Redacted	s.43	Release. Not commercially sensitive.
28	Access to venue following exclusive	Redacted	s.43	Release. Not commercially sensitive.

	hire period [13.5]			
31	Payment [15.1(b)]	Redacted	s.43	Release. Not commercially sensitive.
45	Liability [30.3]	Redacted	s.43	Do not release. Commercially sensitive. Details on sensitivity are provided below.
46	Cancellation of the Tournament [32.1(c)(ii)]	Redacted	s.43	Do not release. Commercially sensitive. Details on sensitivity are provided below.
80	Venue hire fee [Schedule 4, 1.2]	Redacted	s.43	Do not release. Commercially sensitive. Details on sensitivity are provided below.
84	Spectator Catering [Schedule 6, 1.5]	Redacted	s.43	Do not release. Commercially sensitive. Details on sensitivity are provided below.

The West Ham United agreement was signed and announced in 2013, and therefore the agreement and the multi-use nature of the Stadium was known about when the Rugby World Cup agreement was signed in 2014. The deal for hosting some of the matches of the Rugby World Cup (RWC) was negotiated fairly and competitively however, while the RWC may have been a multi-venue event, the RWC agreement released to you in our response was specific to the Olympic Stadium. The Stadium would welcome the opportunity to host other international sporting competitions in future, along with other similar short term rentals and therefore does not consider this agreement to be a unique, one-off agreement with a corresponding diminishing of the impact on commercial sensitivity if the specific financial aspects of the agreement are in the public domain.

The Legacy Corporation recognise that there is 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.

If the fees paid for this event were in the public domain, that would give all potential users of the Stadium as well as the Stadium competitors, an unfair advantage over the Stadium in relation to the negotiation position.

The Stadium needs to be able to successfully operate in a small, strong and very competitive market. All other London based stadia are not subject to the Freedom of Information legislation and releasing the information on the fees would give them a competitive advantage for hosting future short term events. 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.

The information if released would be likely to be used within negotiations and therefore impact on London Stadium 185's ability to negotiate the best value, and therefore achieve best value for the public purse.

4. Recommendations:

The Internal Review recommends that the agreement is released with the information released as per the schedule included in this response.

It is the view of the Legacy Corporation that, at this time, the public interest in withholding the information still redacted under s.43(2) outweighs the public interest in disclosing it.

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



Executive Director of Finance and Corporate Services
London Legacy Development Corporation