



16 May 2016

**INFORMATION REQUEST REFERENCE 16035**

Dear [REDACTED],

Thank you for your information request, received on 15 April 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“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.”*

I can confirm that the Legacy Corporation holds the information you have requested. Due to the size, a copy of the Venue hire agreement in relation to the IRB Rugby World Cup 2015 between E20 Stadium LLP and England Rugby 2015 Limited has been saved here: <http://queenelizabetholympicpark.co.uk/~media/lldc/publication%20scheme/foi%20response/201605/16035%20annex%20a.pdf>

Please be advised that information has been redacted from the agreement for the reasons in the schedule below.

PDF Page	Reference		Exemption	Justification for not disclosing the information
8	Stadium Contribution	Redacted	s.43	Commercially Sensitive
8	Test Event fee	Redacted	s.43	Commercially Sensitive
18	Licencing and test event programme [8.4(a)]	Redacted	s.43	Commercially Sensitive
28	Access to venue following exclusive hire period [13.5]	Redacted	s.43	Commercially Sensitive
28	Access to venue following exclusive hire period [13.5]	Redacted	s.43	Commercially Sensitive
31	Payment [15.1(b)]	Redacted	s.43	Commercially Sensitive
45	Liability [30.3]	Redacted	s.43	Commercially Sensitive

46	Cancellation of the Tournament [32.1(c)(ii)]	Redacted	s.43	Commercially Sensitive
50	Signatures	Redacted	s.40	Personal Information
53	Stadium plan	Removed	s.31(1)	Prevention of Crime
66	Perimeter Screen and Security [6.02]	Redacted	s.31(1)	Prevention of Crime
66	Perimeter Screen and Security [6.03]	Redacted	s.31(1)	Prevention of Crime
66	Perimeter Screen and Security [6.04]	Redacted	s.31(1)	Prevention of Crime
68	Perimeter Screen and Security [6.04]	Redacted	s.31(1)	Prevention of Crime
70	Perimeter Screen and Security [6.04]	Redacted	s.31(1)	Prevention of Crime
72	Control Rooms - Level 01 [12.01]	Redacted	s.31(1)	Prevention of Crime
80	Venue hire fee [Schedule 4, 1.2]	Redacted	S.43	Commercially Sensitive
84	Spectator Catering [Schedule 6, 1.5]	Redacted	s.43	Commercially Sensitive
87	The Parties' Representatives [Schedule 8]	Redacted	s.40	Personal Information

**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 detailed plans of the Olympic stadium and security information, 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. 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.

**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 amount that England Rugby 2015 Limited has paid for hiring the Stadium. There is, of course, a public interest in promoting transparency in accountability in regards to the agreements that are entered into by public sector bodies as well as their decisions. However, the disclosure of this information would be likely to prejudice commercial interests of the Stadium because it will reveal financial information which would be likely to 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.

This is a short hire agreement is for a short term use of the Stadium. As a multi-use venue, the operator of the Stadium, LS185, will be seeking to pursue similar deals with other potential users in a highly competitive market. If this information were to be released it would prejudice LS185's commercial interests, as well as those of E20 Stadium LLP and its members and ultimately the public purse, by allowing both potential users and competitors to see the terms of which past deals have been transacted.

The Stadium needs to be able to successfully operate in a small but very strong and very competitive market. The payment information, 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.

Bidders during current and future negotiations for use of the Stadium could also use this information to their advantage.

Ultimately, the Legacy Corporation is seeking to ensure that the Stadium can operate without public subsidy. Therefore, 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.

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](http://www.ico.gov.uk)

Yours sincerely

  
FOI / EIR Co-ordinator  
London Legacy Development Corporation