



17 June 2016

**INFORMATION REQUEST REFERENCE 16040**

Dear

Thank you for your information request, received on 26 April 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*I am writing to request a copy of any contract or written agreement between E20 and London Stadium 185 Ltd, or, in the alternative, any contract or written agreement between the LLDC and London Stadium 185 Ltd.*

With reference to the request for a copy or written agreement between E20 and London Stadium 185 Ltd (LS185), please see the Stadium Plus Operator Agreement between E20 Stadium LLP, London Legacy Development Corporation and London Stadium 185 Ltd, dated 30 January 2015, attached in Annex A.

Please note than some information within this agreement has been redacted. The table below identifies the relevant exemptions that have been applied and this is followed by the public interest tests for each exemption.

Page	Description	Exemption
19 of 354	11.2 (d)	s.43(2)
55 of 354	Signatures	s.40(2)
73 of 354	Schedule 2 - 4.1.1	s.31(1)(a)
74 of 354	Schedule 2 - 4.5 & 4.5.1	s.43(2); s.31(1)(a)
77 of 354	Schedule 2 - 6.3.1	s.31(1)(a)
77 of 354	Schedule 2 - 6.4.1 – 6.4.3	s.31(1)(a)
83 of 354	Schedule 2 - 10.2.7	s.43(2)
87-88 of 354	Schedule 2 - 11.1.1 – 11.1.7	s.31(1)(a)
88 of 354	Schedule 2 - 11.2.1 – 11.2.2	s.31(1)(a)
88 of 354	Schedule 2 - 11.3.1	s.31(1)(a)

88 of 354	Schedule 2 - 11.4.1 – 11.4.2	s.31(1)(a)
90 of 354	Schedule 2 - 12.2.4	s.43(2)
92-93 of 354	Schedule 2 - 13.3.1	s.43(2)
104 of 354	Schedule 2 - Appendix C 1.1	s.43(2)
123 of 354	Schedule 2 – Table 1	s.31(1)(a)
125 of 354	Schedule 2 - Annex 2	s.43(2)
128-130 of 354	Schedule 2 – Appendix D	s.31(1)(a)
149-150 of 354	Schedule 2 - Appendix H	s.43(2)
156-192 of 354	Schedule 3	s.43(2)
197 of 354	Schedule 5 – Part A, 8	s.43(2)
198 of 354	Schedule 5 – Part B, 2(c)	s.43(2)
198 of 354	Schedule 5 – Part B, 3	s.43(2)
199 of 354	Schedule 5 – Part B, 7	s.43(2)
200 of 354	Schedule 5 – Part B, 7	s.43(2)
200 of 354	Schedule 5 – Part B, 7	s.43(2)
201 of 354	Schedule 5 – Part B, 3	s.43(2)
201 of 354	Schedule 5 – Part B, 3	s.43(2)
201 of 354	Schedule 5 – Part B, 5	s.43(2)
202 of 354	Schedule 5 – Part B, 7	s.43(2)
206 of 354	Schedule 6 – 2.5	s.43(2)
303-304 of 354	Schedule 23	s.43(2)
308-317 of 354	Schedule 25	s.43(2)
323-326 of 354	Schedule 27	s.43(2)
347 of 354	Appendix 1	s.43(2)

*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 information redacted under this exemption in consultation with the Stadium operator, LS185. The information

withheld under section 43(2) of the FOIA has been identified within the agreement in Schedule 23 as commercially sensitive for the duration of the agreement. LS185 were contacted in order to obtain a review of the redactions and to confirm that, if released, the information would still be likely to harm the commercial interests of the operator. 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 within this agreement currently identified as commercially sensitive would be likely to prejudice commercial interests for operating the Stadium as well as the Stadium Operator because it will reveal detail of financial information which would be likely impact on LS185s commercial interests. This would in turn harm the commercial interests of E20 Stadium LLP (and therefore the public interest), as LS185 act on E20's behalf in operating and generating revenues from the stadium.

It is the view of the Legacy Corporation that, at this time, the balance of 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.*

It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

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 is the signatures on this agreement, the names of the individuals were identified were considered to be sufficiently in the public domain already and therefore were not redacted. 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.31(1)(a) - Law enforcement – prevention of crime.*

*(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 information redacted under this exemption relates to information about the security systems within the Stadium. The Legacy Corporation have assessed the impact of releasing this information and consulted with our Head of Security and consider that the public interest 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 prejudiced. It is the view of the Legacy Corporation that the balance of 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