

26 May 2016

**INFORMATION REQUEST REFERENCE 16041**

Dear [REDACTED],

Thank you for your information request, received on 27 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 provide a list of improvements to the Olympic Stadium that are planned or being undertaken as projects or other work in addition to the conversion project and are intended to enhance the stadium for football events, and in particular to the benefit of West Ham United Football club.*

*For each, please include*

- 1. The planned start/end dates for the work*
- 2. The cost of the work (estimated if not yet completed)*
- 3. The amount of these costs being provided by E20 or other public funds.*
- 4. The amount of these costs being provided by West Ham United Football Club.*

*I am not interested in work costing less than £10,000.*

*For sake of clarity, I offer two examples. Karren Brady of West Ham United has recently discussed with the press (i) what she terms a "digital wrap" around the stadium (ii) football mode improvements to increase the capacity to 60,000. “*

There are no improvements to the Stadium that are being planned or being undertaken by E20 Stadium Ltd (E20) beyond the stadium transformation works, which are intended to enhance the stadium solely for football events or specifically for West Ham United. Please note that E20 is undertaking improvements to the Stadium, beyond the transformation works, that will deliver broad benefits across a range of events, not just football.

West Ham United are themselves undertaking and funding improvements specific to their requirements, including for example, the decoration of the Stadium seats and the concourses beneath the stands with West Ham branding. This work started this year and is intended to conclude before the start of the football season. E20 does not hold details of the costs requested for these projects and has provided no funding for them.

In the case of the wrap, a fabric wrap and high definition digital screen was considered by the planning committee on 24 May 2016 (16/00106/ADV) and was resolved to be approved, and this will be used flexibly to support all events at the stadium (not just football). The costs of the project will nevertheless be shared between E20 and West Ham. The cost and funding arrangements for this project are being withheld under section 43(2) Commercial Interests.

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 withheld in this request 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 on the wrap, which is currently being procured and is under negotiation, would prejudice commercial interests of the Stadium operator London Stadium 185 and E20 because it will reveal information which would impact on current negotiations.

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.

In the case of the stadium capacity, I would refer you to our internal review response of the 6 May 2016 to your previous Freedom of Information request 15-085.

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