



17 June 2016

**INFORMATION REQUEST REFERENCE 16054**

Dear 

Thank you for your information request, received on 31 May 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“Please also treat this email as an official FOIA request for the following documents*

- 1. A copy of all correspondence between the London Legacy and the HSE ref this fatal incident*
- 2. A copy of the safety officer’s report on that day.*
- 3. A copy of the Lightning Protection Test results (latest edition).*
- 4. A copy of your report and lessons learned.”*

The Legacy Corporation can confirm that they hold some of the information you have requested. Our response follows your order:

*Q.1. A copy of all correspondence between the London Legacy and the HSE ref this fatal incident*

The Legacy Corporation had no direct correspondence with the Health and Safety Executive (HSE) in relation to this incident. All correspondence was between the HSE and Balfour Beatty Group Ltd (BBG). We do hold a copy of one letter between HSE and BBG and I have attached a redacted copy in **Annex A**. Please note that this was provided to you previously in our response reference 15-047, sent to you on 21 August 2015.

*Q.2. A copy of the safety officer’s report on that day.*

The Legacy Corporation do not hold this information - we did not receive a safety officer’s report in relation to this incident.

Q.3. A copy of the Lightning Protection Test results (latest edition).

The most recent lightning protection test results are attached in **Annex B**.

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 in this instance is the names of the Supervisor and Engineers responsible for the test. 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.

Q.4. A copy of your report and lessons learned

The Chief Executive has reported on this incident to the Board on 21 July 2015 and 27 October 2015. Reference was also made in an appendix to the CEO's report of 27 October 2015.

The specific sections of the relevant CEO reports have been extracted and attached as **Annex C**.

The full reports to the Board on both of these dates are publically available here:

21 July 2015, Agenda item 6 -

<http://www.london.gov.uk/moderngovlldc/documents/s48511/Chief%20Executives%20report%20-%20July%202015.pdf>)

27 October 2015, Agenda item 6 -

<http://www.london.gov.uk/moderngovlldc/documents/s50946/Item%206%20-%20Chief%20Executives%20report%20-%20October%202015.pdf>)

27 October 2015 - Corporate performance report April-June 2015, page 30 which was an appendix to the CEO's report to the Board on 27 October 2015 -

[http://www.london.gov.uk/moderngovlldc/documents/s51013/Item%206a%20-%20Appendix%201%20LLDC Quarterly Report Q1 2015-2016.pdf](http://www.london.gov.uk/moderngovlldc/documents/s51013/Item%206a%20-%20Appendix%201%20LLDC%20Quarterly%20Report%20Q1%202015-2016.pdf)

We draw your attention in particular to 27 October 2015 paragraph section 17.5 which notes that the relevant authorities concluded that the fatality in June 2015 was not suspicious or work related.

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