



12 December 2016

**INFORMATION REQUEST REFERENCE 16120**

Dear 

Thank you for your information request, received on 14 November 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“This FOI is in relation to the planning decision for the H16 bridge between Fish Island & Sweetwater:*

*David Edmonds informed the Save Hackney Wick campaign that there had been a meeting with the LLDC executive team about Vittoria Wharf site in Fish Island where upon there was a decision made as to why the alternative bridge design in relation to Bridge H16 was too costly and unfeasible.*

*Can you provide a full copy of the minutes fully detailing the appraisal reasoning & who was involved in the decision.”*

I can confirm that the Legacy Corporation hold information relevant to your request.

1. An extract from a report prepared for the Executive Management Team (EMT) meeting on 21 July 2014. This report makes reference to a ‘new alignment for bridge H16’. The report was not formally submitted to EMT but was used as the basis for discussion at the meeting. It was considered and rejected in favour of the original scheme due to potential additional costs to the public purse. See attached **Annex A**.
2. Extracts from the EMT internal minutes on the discussion on Vittoria Wharf on 21 July 2014 and 13 October 2014 are in Annex B.
3. Membership of EMT at the time of this decision was as follows:

David Goldstone – Chief Executive  
Ben Fletcher – Communications and Marketing  
Rosanna Lawes – Development  
Jonathan Dutton – Finance & Corporate Services  
Sally Hopper – Human Resources.

Mark Camley – Park Operations and Venues  
Anthony Hollingsworth – Planning Policy and Decisions  
Paul Brickell – Regeneration and Community Partnerships  
Colin Naish – Stadium

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 is for the authors of the report in Annex A. As we have not received consent, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

Please note that paragraph 6.3 in Annex A and the figures within section 13 of the 21 July 2014 minutes have been redacted under section 43(2) of the FOIA as the information is considered to be commercially sensitive.

*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. 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 paragraph at this time would be likely to prejudice the Legacy Corporation commercial interests because it will reveal financial details which would be likely to impact on future negotiations which in turn would harm the Legacy Corporation's ability to achieve best value for the public purse.

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:

Deputy Chief Executive  
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