

Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



22 March 2017

INFORMATION REQUEST REFERENCE 17-004

Dear 

Thank you for your information request, received on 12 January 2017. You asked E20 Stadium LLP (E20) and London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Please could you provide all emails/letters between LLDC/E20 and West Ham United FC that mention the keyword ‘Payet’ since 1 January 2015.”

The Legacy Corporation and E20 do not hold any letters. The email archive of both Legacy Corporation and E20 were searched using the standard West Ham email domain and the keyword ‘Payet’.

The response was initially due on 8 February; however this was extended for consideration of the public interest test. At the time the extension was notified, it was raised that there were newsletters included in the search results and that these were not part of the public interest exercise so could be sent at that time, with just the recipient’s personal details redacted under section 40(2) – personal information. No response was received and therefore these newsletters have been included in **Annex A**.

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 includes the email address of the recipient(s) of the newsletters. 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.

The exemptions that applied in relation to your request and that required the extra time in order to consider the public interest were: section 43 (2) – Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it) and also section 31(1)(a) – the prevention or detection of crime.

Certain of the emails showed up in the search results due to an attachment rather than the information in the body of the emails. The attachment in each case was a detailed floor plan of the London Stadium. The floor plan included the location of all the suspended signs which, at that time, included the Payet shirt which is why these emails appeared in the search results. Although Payet is referenced in this plan, the Legacy Corporation and E20 do not consider it to be a keyword within the document and therefore these emails have been excluded as they are not considered relevant to the request. If the requestor does not agree with this assessment and considers them to be within the remit of the original request then, with consideration to the sensitivity of the information, it would be likely that certain information within these emails will be withheld under section 31(1)(a) – prevention or detection of crime.

The remaining emails identified as relevant to your request are attached in **Annex B**. Please note that the names and phone numbers of the correspondents has been redacted under section 40 – personal information as 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 includes the email address and phone numbers of the email correspondents. As we have not received consent of the data subjects, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

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

Yours sincerely

FOI / EIR Co-ordinator
London Legacy Development Corporation / E20 Stadium LLP