



Level 10
 1 Stratford Place
 Montfichet Road
 London
 E20 1EJ



3 April 2017

INFORMATION REQUEST REFERENCE 17-008

Dear 

Thank you for your information request, received on 6 February 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:

*“Under protection of the FOIA please provide me with an approved Copy of the SHE Plan for the Olympic Stadium.
 For clarity, the S.H.E. plans is for the SAFETY-HEALTH-ENVIRONMENTAL facets of the project.
 I would be grateful for a PDF copy please.”*

I can confirm that E20 and the Legacy Corporation hold information relevant to your request. Please find attached:

- Annex A: LS185 Spectator Safety Policy
- Annex B: LS185 Health and Safety Policy

Please be advised that information has been redacted from these policies under the following FOIA exemptions:

- s.31(1)(a) – prevention of crime
- s.40(2) – personal information

Details of the exemptions and the applicable redactions are provided below:

LS185 Spectator Safety Policy		
Page	Description	Exemption

2	Personal information – name(s)	s.40(2)
5	Personal information – name(s)	s.40(2)
6	Personal information – name(s)	s.40(2)
7	Crowd management	s.31(1)(a)
7	Exit of spectators	s.31(1)(a)
7	Management of spectators in the stadium	s.31(1)(a)
8	Inspection and safety reviews	s.31(1)(a)
9	Fire precautions	s.31(1)(a)

LS185 Health and Safety Policy		
Page	Description	Exemption
2	Personal information – name(s)	s.40(2)
11	Personal information – name(s)	s.40(2)

S.31 - Law enforcement.

(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.

E20 and the Legacy Corporation have assessed the impact of releasing this information and consider that the public interest in this particular information, which includes details of the security operations in relation to the Stadium, would not benefit from being released into the public domain. The security of the Stadium would be jeopardised, and the prevention of crime would be likely to be prejudiced. It is the view of E20 and the Legacy Corporation that 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.*

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.

E20 and the Legacy Corporation acknowledge the need for accountability and transparency from public authorities and recognise that their employees will therefore have some expectation that data relating to their professional role may, in some limited circumstances, be disclosed. This will depend on a number of factors, including whether the information relates to the employee in their professional role or to them as individuals, the individual's seniority in their professional role, the consequences of disclosure to the individuals and whether the information is already readily accessible and in the public domain. E20 and the Legacy Corporation need to balance the interest in the public having the employees' names against the rights and freedoms of the employees to carry out their role and responsibilities.

Where an individual's name remains redacted, either consent was not received or the individual would not have an expectation of their name being disclosed.

Please note: Withholding personal data where consent has not been received does not automatically constitute either E20 or the Legacy Corporation being in contempt of Article 10 of the European Court of Human Rights.

With reference to the judgment of the European Court of Human Rights in the Magyar case, in the Magyar case the Court found that as a matter of principle, a refusal to provide information in response to a request is capable of engaging Article 10 of the European Convention on Human Rights in some circumstances. On the specific facts of that case the Court found that there had been a breach of Article 10. It does not follow that public authorities in this jurisdiction will be in breach of Article 10 if they redact personal data when responding to an FOI request.

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:

Director
E20 Stadium LLP
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