

Level 10  
1 Stratford Place  
Montfichet Road  
London  
E20 1EJ



4 April 2017

**INFORMATION REQUEST REFERENCE 17-019**

Dear 

Thank you for your information request, received on 7 March 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):

*“FOIA REQUEST FOR OLYMPIC STADIUM DESIGN CHANGE ORDERS  
Under the protection of the FOIA please provide me with a PDF copy of:  
1. The Register of Design Change Orders (DCO).  
2. Each individual DCO request and response plus cost factor for all DCO.  
3. Both Negative and Positive DCO.”*

I can confirm that information relevant to your request is held by E20 and the Legacy Corporation.

Please find attached in Annex A the register of the Olympic Stadium design changes.

Please find attached in Annex B, the design changes.

Please note that some of the names have been redacted under FOIA section 40.

*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. 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.

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](http://www.ico.gov.uk)

Yours sincerely

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