

12 May 2017

**INTERNAL REVIEW - REFERENCE 17-023**

Dear [REDACTED]

We refer to your email of 19 April 2017 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

The internal review has been completed and the findings and recommendations of the internal review are as follows:

**1. Background**

The original request was received on 20 March 2017 and requested the Legacy Corporation to:

*“Subject: FOIA REQUEST FATAL INCIDENT 28TH JUNE 2015 AT LONDON'S OLYMPIC STADIUM*

*Dear Sirs*

*Under protection of the FOIA please provide me with PDF Copies of the following in connection with the Subject Title.*

- 1. The Name of the Deceased.*
- 2. Who Reported the Incident.*
- 3. Time of the Incident.*
- 4. Time of arrival and exit of the Police.*
- 5. Time of Arrival and exit of the Medics.*
- 6. Time of arrival and exit of the HSE*
- 7. Names of HSE Inspectors.*
- 8. Time and date of Site closure.*
- 9 Time and date of Site Reopening.*
- 10, Name of LLA Representatives on Site that day ie Sun 28th June 2015.*
- 11. Copy of the HSE Report.*
- 12. Copy of the Coroners report.*
- 13. Name of the Balfour Beatty Site Manager for that day.*
- 14. Name of the Balfour Beatty H&S officer for that day.*
- 15. Copy of the LLA report for Lessons Learnt for that particular incident.*
- 16 Copy of any Document from the HSE, RIDDOR, No Action etc.*

17. Copy of the Site H&S Diary between Sun 28th June 2015 and 30th June 2015.
- 18 Time of arrival and exit of Fire Authorities.
19. Copy of the Balfour Beatty Incident Report
20. Copy of the Weather report (wind speed) for that day.
21. Copy of the Method Statement (MS) and Risk Assessment (RA) for the Job being undertaken by the deceased on that given date.

*Please note that I use the word INCIDENT and NOT ACCIDENT because this incident was not an accident and it could and should have been AVOIDED had Balfour Beatty and London Legacy Authority done everything that was PRACTICABLE.*

*It is consistently obvious that Balfour Beatty the Principle Contractor and the LLA failed their fiduciary duty of care because everything PRACTICABLE was not achieved.*

*This information is sought under the FOIA 2000 and the EU Convention of Human Rights and Article 10 in particular, hence I will not accept any redaction whatsoever including the Policeman's names and ID."*

Our response was sent on 19 April 2017. The Legacy Corporation refused to respond to the request on the basis of FOIA section 14 – Vexatious or repeated requests.

*FOIA Section 14 - Vexatious or repeated requests.*

*(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.*

The full response is included in Annex A for reference, but in summary the refusal was based on the volume of questions within this request (circa 21 in total) as well as the high volume of emails received from the requestor over the previous six months, the associated burden on the authority resources from this volume of emails, the continual unfounded accusations against the authority. For many of the emails there was no obvious intent to obtain information.

The subsequent email request for an internal review was received on 19 April 2017 and stated:

*Dear Sirs*

*I acknowledge and thank you for your recent response to my FOIA request ref the Fatal Incident on the Olympic Stadium on the 28th June 2015 and you have refused this request under section 14/1 Vexatious in line with the GIA 3037/2011 Dransfield V ICO.*

*I now request you to review your vexatious decision on the following counts*

1. *The original GIA/3037/2011 was made under bad law.*
2. *The LLA have acted in concert with the Mayor's Office, HSE and Balfour Beatty (BB) to cover up Corporate Manslaughter in relation to the BB Death on the 28th June 2015..*
3. *My FOIA request was a brand new request on a brand new topic, could not be vexatious. I will concede it was related to the Olympic Stadium but to claim section 14/1 vexatious as a lawful exemption is, at best, disingenuous and at worst, a tool to assist perverting the course of Justice and in particular the unlawful breach of section 77 of the said act. I suggest the latter. I would remind you that section 77 breaches is a prisonable offence.*

4. The LLA are still peddling Lies and Deceit about the Legality of the Lightning Protection at the Olympic Stadium.
5. The LLA are claiming my letter to the Public Liability Insurance company regarding the H&S issues are without merit. Sobeit ,hence when there is a claim for ANOTHER corporate manslaughter or worse no doubt they Insurance Company will have to pay out tenfold insurance claims. There is now prima facie evidence that the Public Limited Insurance Company are acting in concert with other 3rd Parties to cover up serious crimes.

*I also wish to elevate this matter to full Board of Directors of the LLC owing to the gravity of my assertions. I put you on notice also that I do not intend to wait for you on this review in respect of the Statutory Time limits for a review. This is because we are moving into summer time and more frequent thunderstorms are expected and I am deeply concerned there will be serious injuries or multiple deaths during a thunderstorm at the Olympic Stadium,hence I am asking the ICO Caseworker to commence appeal proceedings.*

An additional email was been received in relation to this request, dated 22 April 2017 and addressed to the ICO and copied to the Legacy Corporation, as well as multiple other parties.

*“Dear Madam*

*As you are aware the ICO are currently investigating my complaint against the London Legacy Authority(LLA) ref my FOIA request to them on the Olympic Stadium.*

*I have provided irrefutable evidence to the ICO that the LLA have wilfully breached the FOIA 2000 by identifying Dransfield the person as vexatious and not Dransfield's request.*

*Please see the ICO guidelines for Vexatious cases below and in particular,I ref to para 12 which clearly states the REQUESTER cannot be VEXATIOUS, it MUST be the request which is termed as vexatious.*

*Suggestions and recommendations*

*The ICO issue a large fine against the LLA for serious and wilful breach of section 77 of the FOIA 2000 and the ICO to instruct the LLA to release ALL the sought after data to Dransfield. In the event you take no action whatsoever, I shall have no alternative than to elevate this directly to the First Tier Tribunal. I put you on notice also that if you fail to respond to this letter and case in particular, I shall consider you are part of a wide conspiracy with the LLA and others to wilfully circumvent the FOIA/2000. It is a prisonable offence to block or obstruct a FOIA requests.*

## **2. Review findings:**

The internal review panel reviewed the original response as well as the comments made in the internal review request and the accusations made in the email to the Information Commissioner as provided above.

### Original response

The Panel acknowledge that the ICO guidance on dealing with vexatious requests, linked here: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>, does state that the vexatious response can only be applied to the request itself

and not the individual who submitted it, however it also states that the context and history can be taken into account in the application of vexatious:

Extract of ICO guidance on dealing with vexatious requests:

56. *The context and history in which a request is made will often be a major factor in determining whether the request is vexatious, and the public authority will need to consider the wider circumstances surrounding the request before making a decision as to whether section 14(1) applies.*

57. *In practice this means taking into account factors such as:*

- *Other requests made by the requester to that public authority (whether complied with or refused).*
- *The number and subject matter of those requests.*
- *Any other previous dealings between the authority and the requester.*

*And, assessing whether these weaken or support the argument that the request is vexatious.*

58. *A request which would not normally be regarded as vexatious in isolation may assume that quality once considered in context. An example of this would be where an individual is placing a significant strain on an authority's resources by submitting a long and frequent series of requests, and the most recent request, although not obviously vexatious in itself, is contributing to that aggregated burden.*

The Panel noted that the original request could have been refused under section 12 FOIA on the basis that it would take more than the appropriate cost limit of £450 to find all of the information requested, if indeed, it was determined that, under FOIA, the Legacy Corporation held the information requested. In this instance, however, the context and history in which the request was made were taken into consideration.

The Panel felt that the original response clearly outlined the reasons for the refusal under section 14.

#### Internal Review request & ICO email

The Legacy Corporation will not address the additional unfounded accusations made within your internal review request under the following points:

1. *The original GIA/3037/2011 was made under bad law.*
2. *The LLA have acted in concert with the Mayor's Office, HSE and Balfour Beatty (BB) to cover up Corporate Manslaughter in relation to the BB Death on the 28th June 2015..*
4. *The LLA are still peddling Lies and Deceit about the Legality of the Lightning Protection at the Olympic Stadium.*
5. *The LLA are claiming my letter to the Public Liability Insurance company regarding the H&S issues are without merit. Sobeit ,hence when there is a claim for ANOTHER corporate manslaughter or worse no doubt they Insurance Company will have to pay out tenfold insurance claims. There is now prima facie evidence that the Public Limited Insurance Company are acting in concert with other 3rd Parties to cover up serious crimes.*

Point 3 claims that the original request was a brand new request on a brand new topic:

*3. My FOIA request was a brand new request on a brand new topic, could not be vexatious . I will concede it was related to the Olympic Stadium but to claim section 14/1 vexatious as a lawful exemption is, at best, disingenuous and at worst, a tool to assist perverting the course of Justice and in particular the unlawful breach of section 77 of the said act. I suggest the latter. I would remind you that section 77 breaches is a prisonable offence.*

The Legacy Corporation has received eighteen emails from you within just the last six months that refer to this event and, while the twenty one information requests in your email dated 20 March 2017 (our reference 17-023) are indeed the first FOIs we have received from you recently on this subject, they are not, as you state, the first FOIs we have received from you on this subject. For reference please see our response to your FOI requests on this subject, our reference 16054, accessible on our website.

For clarification, with reference to your repeated claims that the Legacy Corporation have breached section 77 of FOIA, and should be imprisoned, please see the below extract from the FOIA, which does not reference imprisonment:

*Section 77 - Offence of altering etc. records with intent to prevent disclosure.*

*(1) Where—*

*(a) a request for information has been made to a public authority, and*

*(b) under section 1 of this Act or section 7 of the Data Protection Act 1998, the applicant would have been entitled (subject to payment of any fee) to communication of any information in accordance with that section,*

*any person to whom this subsection applies is guilty of an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the information to the communication of which the applicant would have been entitled.*

*(2) Subsection (1) applies to the public authority and to any person who is employed by, is an officer of, or is subject to the direction of, the public authority.*

*(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

### **3. Panel Recommendations:**

The Panel believe that the refusal of the request under vexatious was justified and the refusal will stand for any requests received from you on this and related topics as specified in the original response.

The Panel noted that, in addition to the burden it placed on the Legacy Corporation, a contributory factor to the decision for the refusal on the basis of vexatious was the volume of correspondence and the unfounded accusations against the Legacy Corporation included in them and, in particular, would like to draw these points to your attention.

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, although we note your email dated 19 April 2017 that this has already been submitted. 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

Gerry Murphy  
Deputy Chief Executive  
London Legacy Development Corporation