

Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



19 April 2017

Thank you for your information request, received on 20 March 2017. You asked the London Legacy Development Corporation (Legacy Corporation) and E20 Stadium LLP (E20) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“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."

In the last six months, between 28 October 2016 and 28 March 2017, you have sent us eighty emails in relation to the death at the Stadium in 2015, lightning protection, the Stadium in general, including the roof and mayoral review.

While the Legacy Corporation appreciates that you have a genuine and sincere concern for all of this subject matter, we are refusing to respond to this request and further emails regarding these topics on the basis of section 14(1) of the Act.

Section 14(1) provides that –

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

With reference to the guidance issued by the Information Commissioner's Office (ICO) and [2015] AACR 34 (Dransfield v Information Commissioner and Devon County Council), we consider the requestor vexatious for the below reasons:

Burden on the authority

This volume of emails over this period of time is a significantly high volume. Not only can these emails be interpreted as obsessive but reviewing these emails imposes a significant burden in terms of expense and distraction of staff from their day to day duties. Forty of these emails alone related in some way to lightning protection.

The Legacy Corporation has one specific individual whose job includes, but is not limited to, dealing with information requests. The volume of correspondence is creating a significant burden on resources and creates a disproportionate level of disruption, irritation or distress when considered with the actual number of information requests submitted.

On average, over the last six months we have received over two emails per day. The Legacy Corporation acknowledge that of the eighty emails only thirty were addressed to the Legacy Corporation and only seven of these emails are actual FOIA requests, however, all of the correspondence needed to be reviewed in order to ensure that a request is not overlooked.

There is the additional impact of multiple requests within single emails; this request alone contained 21 individual requests for information.

The Legacy Corporation's experience of dealing with your correspondence suggests that you will not be satisfied with a response to these requests and will submit numerous follow up enquiries no matter what information is supplied.

Unfounded accusations

Throughout your correspondence, unfounded accusations are continually made against the Legacy Corporation or its partners. Other correspondence sent to the Prime Minister and other parties, claims fiduciary failures, criminal negligence and culpable manslaughter.

As an example of unfounded accusations, in an email to the Information Commissioner, dated 27/11/2016, you accuse the Legacy Corporation as follows:

“As you are aware, I have had multiple FOIA requests rejected by the London Legacy Authority (LLA) and the ICO under Vexatious and National Security Exemptions.

There is now available evidence that the London Legacy Authority (LLA) have LIED THRU' THEIR TEETH on such matters and irrefutable evidence that the London Olympic Stadium has not (repeat not) been provisioned with the any Lightning Protection System so previous vexatious and National Security was a SCAM to breach 77 of the FOIA 2000 and to circumvent the FOIA_2000.

In essence, the ICO and LLA have been complicit on several of my FOIA requests to pervert the course of Justice via wilful circumvention of the said act.”

With reference to the above accusation, up until this point, the Legacy Corporation has never refused one of your requests as vexatious, even though on occasion you have asked why we have not (ref: 16112. 24/11/2016). Also, over the years, you have never referred one of our internal review responses to the Information Commissioner's Office. While we have received decision notices from the ICO, none of these have been in relation to one of your requests as you state above.

Further examples of unfounded accusations are:

Information was provided to you, under FOIA, in relation to the insurance provider for the Stadium. Within two hours of receiving our FOIA response, you had emailed the insurance provider with unfounded accusations of insurance fraud by the Legacy Corporation and Balfour Beatty and referencing how, in a worst case scenario all the players, officials and thousands of spectators could be killed or injured.

Extract of Insurance email:

“I wish to report Insurance Fraud on the Olympic Stadium in London . The Principal Contractor Balfour Beatty and London Legacy have conspired to defraud Zurich Insurance Company PLC in regard to Health and Safety Issues on the Stadium and Swimming Pool, which, in esence compromises their Public Liability Insurance Cover.

These premises are devoid of any Lightning Protection as required by BS-EN-62305 -2008. In a Nutshell, Lightning Risk Assessment as per the BS-EN -2008 has been knowingly and wilfully compromised ,ditto for the installation of the Lightning Protection System(LPS). Balfour Beatty have provided FRAUDULENT Lightning Test Certificates.

The worst case scenario for the Stadium is all the Players and Officials could be Killed or seriously Injured, hundreds or indeed thousands of spectators could be killed or injured by a single Lightning Stike.

My allegations can be verified by a simple 5 minute ocular inspection of the roof where you will find the roof materials are 100 % PVC/Polycarbon which are zero rated for Electrical Continuity, thus holding ZERO rated LPS.”

Other examples of unfounded accusations made:

Email dated 27/11/2016 - Mayor of London; FOI and SGSA

“I also would expect an inquiry into the Lies and Deceit from the London Legacy Authority. Ditto for the ICO. I would strongly recommend this matter is handed over to the Met Police as Fraud and Theft of Public Funds is obvious.”

No obvious intent to obtain information

For the majority of the emails, there is no intent to obtain information. They do not request explanations from the Legacy Corporation, or request recorded information (which is the purpose of the Act).

Of the eighty emails received in the last six months, only thirty were addressed to the Legacy Corporation, however of these emails, only seven could be considered as requests for information.

Please note: We will respond to those requests already received from you and registered before receipt of this request, and any legitimate internal review requests that may follow, however, please be advised that we will not be responding to any further correspondence on these matters.

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
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 decision 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