

Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

[REDACTED]

14 June 2018

INTERNAL REVIEW - REFERENCE 17-030

Dear [REDACTED]

We refer to your email of 7 December 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) 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

Your request for an internal review is set out below:

"I would like an internal review of response 17-030 particularly around retractions relating to section 43(2) commercial interests

The ICO has previously determined that the prejudice test in section 43(2) has not been met by LLDC and a previous decision notice has overturned section 43(2) exemptions.

The notice said "In the Commissioner's view, LLDC's submissions fail to demonstrate the specific way that the information could be exploited by a competitor and, or how disclosure would place either party at a commercial disadvantage"

I believe the same arguments apply to these redactions under Section 43(2)

[https://ico.org.uk/media/action-weve-taken/decision-
notices/2015/1432468/fs_50556618.pdf](https://ico.org.uk/media/action-weve-taken/decision-
notices/2015/1432468/fs_50556618.pdf)

2. Review findings:

- 2.1. The internal review team undertook a full review of the redactions to the E20 Stadium LLP Business Plan and 2017-18 budget ('the E20 Business Plan'), taking an independent view on whether the redacted information met the prejudice test set out in the Freedom of Information Act and referred to in the ICO report.
- 2.2. The internal review team also looked at the information contained in the Stadium Investigation report ('the Stadium report') by Moore Stephens which was published on 1 December 2017. This Stadium report brought information into the public domain which was previously redacted as it was considered commercially sensitive; given the publication of this report the internal review team recommended that where this information was also held in the E20 Business Plan this should now be released. The internal review team notes that the original release of the E20 Business Plan was not informed by the information contained in the Stadium Report.
- 2.3. In addition to the above, the information redacted under commercially sensitive at the time of the original request was reviewed to assess if the passage of time had lessened the commercial sensitivity to the point where the public interest to disclose the information outweighs the public interest in withholding it.
- 2.4. As a result of this exercise the internal review team recommended that additional information within the E20 Business Plan should now be released or partially released. The Internal Review team was satisfied that the remainder of the redactions met the prejudice text.

3. Panel Recommendations:

- 3.1. The internal review team recommend that the E20 Business Plan be released with the removal of some of the information previously redacted.
- 3.2. The revised E20 Business Plan is attached in **Annex A**.
- 3.3. The revised schedule of redactions is attached in **Annex B**.

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

Deputy Chief Executive
London Legacy Development Corporation