



Level 10  
1 Stratford Place  
Montfichet Road  
London  
E20 1EJ



6 December 2017

**INFORMATION REQUEST REFERENCE 17-030**

Dear 

Thank you for your information request, received on 21 April 2017. You asked London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“Under the Freedom of Information please supply me with a copy of the E20 Stadium Company LLP Business Plan together with any relevant associated documents.*

*If any there are any redactions please explain the reason for the redactions in detail.”*

I can confirm the Legacy Corporation hold information relevant to your request. The most recent E20 business plan is attached in **Annex A**, however, please be advised that information within the business plan is being withheld under the following exemptions:

*Section 40(2) – personal information*

*Section 41 - Information provided in confidence*

*Section 43(2) - Commercial interests*

Details of the redactions and the exemption applied are in **Annex B**. Details of the exemptions are below:

*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.*

It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received or the Legacy Corporation have assessed that the information is already in the public domain.

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. Where the name of the individual is not already in the public domain and where 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.

Section 41 - Information provided in confidence.

*(1) Information is exempt information if—*

*(a) it was obtained by the public authority from any other person (including another public authority), and*

*(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

This is an absolute and class-based exemption and as such is not subject to the prejudice test or the public interest test.

LS185 provided E20 with its business plan in relation to the operation of the London Stadium. This document was provided to E20 on the basis that it should be considered confidential and must not to be published, released into the public domain or shared with any party beyond those directly associated with E20.

The value of the report is in LS185's confidence that they can provide candid reports to E20 on the clear understanding that the information in the reports will not be shared and will not be made public. If there was an expectation of the reports being publically available then the information included in the report would be restricted and edited to minimise any adverse impact from the publication, for example in relation to the commercial interests of LS185, or the operation or security of the Stadium.

Section 43(2) - Commercial interests.

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

The section 43(2) 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 our commercial interests or the commercial interests of a third party. 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.

The current E20 business plan has not been formally approved but, though in draft format, it contains information on E20's current commercial position, details of current and potential commercial risks, and detailed financial information. It also contains details on future risk, options and associated plans in addition to details of current, future and potential negotiations.

In discussion with E20, the Legacy Corporation has assessed the impact of releasing the business plan and has considered the public interest for each of the redactions withheld under this exemption. All of the information currently redacted within the E20 business plan under section 43(2) is commercially sensitive and if released would prejudice the commercial interests of E20 and the Legacy Corporation in multiple areas.

Releasing such commercially valuable information into the public domain, where potential suppliers and partners as well as competitors would have access, would in turn severely damage E20's ability to achieve best value for the public purse.

There is, of course, a public interest in promoting transparency of the decisions and accountability of public sector bodies; however, it is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

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  
London Legacy Development Corporation  
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