

Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



11 September 2017

INTERNAL REVIEW - REFERENCE 17-040

Dear 

We refer to your email of 17 July 2017 where you requested an internal review under the Environmental Information Regulations 2004 (EIR) 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

On 3 July 2017 you requested “*the current valuation report for part of Vittoria Wharf, Stour Road, London, E3 2NT*”.

The Legacy Corporation confirmed that they held the information, however, notified the requestor that the report was being withheld under EIR 12(4)(d) – incomplete data, as the valuation report was not yet finalised.

Regulation 12(4)(d)

12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data;

In addition to the report still being in draft, the Legacy Corporation were in the process of reviewing what requirements and aspirations they had for the residue of land/building and they believed that disclosing the information at this time would harm the Legacy Corporation's ability to get best value for the public purse and would adversely affect their negotiation position and commercial interests. For these reasons the report was also withheld under EIR regulation 12(5)(e) – adversely affect commercial confidentiality.

Regulation 12(5)(e)

12(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;

The Legacy Corporation responded on 13 July 2017.

The internal review request was received on 17 July 2017 and requested as follows:

"I would like to request a review of the decision to withhold the information based on my points below.

- 1) I appreciate that there are elements that may be commercially confidential but that is not a legitimate reason to withhold the entirety of the document. I would be happy to receive a redacted version of the report, with the precise elements that are commercially confidential blanked out. This is an approach supported by ICO decisions.*
- 2) I note that the report is in draft form. Please could you confirm when the final version of the report is likely to be available and supply a copy. However, in the interim, and given our relationship with the site (both as neighbours and the CPO background) we are in a unique position to be affected by its contents. That being the case, it is key that we understand the basis on which the report has been commissioned, and its format. I therefore request to any documents/correspondence from LLDC in terms of instructions on preparing the report, and the individual elements of the report that are finalised."*

2. Review findings:

At the end of the Internal Review request there was an additional request for new information. The request for *"any documents/correspondence from LLDC in terms of instructions on preparing the [valuation] report"* was considered to be a new request for information and has been dealt with separately under reference 17-043, sent to you on 6 September 2017. It has not been considered as part of this internal review.

The valuation report was reviewed and the Legacy Corporation agree that the report could be released even though still in draft format. However, in order to protect the Legacy Corporation's commercial interests, all information that is considered to be commercially sensitive and would impact on the Legacy Corporation's ability to negotiate has been

redacted under EIR regulation 12(5)(e). The Legacy Corporation believe that this information in the public domain would adversely impact of their negotiation position and would harm their commercial interests.

Regulation 12(5)(e) – adversely affect commercial confidentiality

12(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;

It is the standard practice of the Legacy Corporation to redact personal information unless consent to release has been received. As such, names and other personal data have been redacted from the report in line with regulation 13(1) of the Environmental Information Regulations 2004 regarding personal data.

Regulation 13

(1) To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.

(2) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—

(i) any of the data protection principles;

(3) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1) of that Act and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.

3. Panel Recommendations:

The Panel recommend that the valuation report is released, with redactions as above.

The redacted valuation report is attached in **Annex A**.

A schedule of the 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