



16 August 2017

INFORMATION REQUEST REFERENCE 17-041

Dear 

Thank you for your information request, received on 7 July 2017. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Under the Freedom of Information Act 2000, I request that you confirm whether you hold any of the following information and, where eligible, disclose copies of relevant materials.

- 1) Does the London Legacy Development Corporation (LLDC) hold an ethics policy, values statement or other similar policy that addresses ethical issues that might arise in the course of its work? If yes, please disclose a copy of any such policy document.*
- 2) Does the LLDC have a policy that provides guidelines or principles by which the LLDC (a) undertakes any fundraising or income generation activity and (b) for how it forms partnerships with external organisations, companies or stakeholders? Specifically, does the LLDC have any policy or guidelines which governs the ethical dimensions of (a) and (b). If yes, please disclose a copy of any relevant documents as well as any additional information such as when a policy or guidelines were agreed or circulated.*
- 3) Does the LLDC hold a contract with Royal Dutch Shell/Shell International, which outlines the details/conditions of the company’s hosting of the ‘Make the Future 2017’ festival at the Queen Elizabeth Olympic Park? If yes, please disclose a copy of any contract or other agreement, taking account of Section V of the ICO’s Code of Practice with regard to the disclosure of contracts.*
- 4) Does the LLDC hold copies of any correspondence between its staff and staff or representatives from Royal Dutch Shell/Shell International regarding any of the following areas:*
 - a) Media, communications and public relations activity relating to the Make the Future 2017 festival*

b) Concerns raised or provisions made regarding the possibility of criticism by the public/media or protest related to Royal Dutch Shell/Shell International and 'Make the Future 2017'

c) The attendance of, or visits made, by any VIP individuals and arrangements or provisions made for their attendance

Searches of correspondence materials should include electronic communications, written materials and handwritten notes or records arising from telephone conversations, conference calls or similar.

I am happy to receive the response to this request in a digital format and look forward to receiving your response within 20 working days. I am grateful for your assistance in the handling of this request."

I can confirm that the Legacy Corporation holds information relevant to your request. Our response follows your order.

1) Does the London Legacy Development Corporation (LLDC) hold an ethics policy, values statement or other similar policy that addresses ethical issues that might arise in the course of its work? If yes, please disclose a copy of any such policy document.

The Legacy Corporation does not have a specific ethics policy, however our values are in our 5 year strategy which is available on our website here: [5 year strategy: 2015-2020](#)

2) Does the LLDC have a policy that provides guidelines or principles by which the LLDC (a) undertakes any fundraising or income generation activity and (b) for how it forms partnerships with external organisations, companies or stakeholders? Specifically, does the LLDC have any policy or guidelines which governs the ethical dimensions of (a) and (b). If yes, please disclose a copy of any relevant documents as well as any additional information such as when a policy or guidelines were agreed or circulated.

Guidelines for holding events on the Park, including how we judge whether an event is appropriate to be held are available on our website here:

<http://www.queenelizabetholympicpark.co.uk/work-with-us/stage-an-event>

Guidelines for holding Events document is available in the Application Pack that can be downloaded at the bottom of this web page, however, to assist, it has been attached in **Annex A**.

3) Does the LLDC hold a contract with Royal Dutch Shell/Shell International, which outlines the details/conditions of the company's hosting of the 'Make the Future 2017' festival at the Queen Elizabeth Olympic Park? If yes, please disclose a copy of any contract or other agreement, taking account of Section V of the ICO's Code of Practice with regard to the disclosure of contracts.

The Legacy Corporation has a Hire Agreement with London Stadium 185 Ltd and Shell International Limited for the Make the Future 2017 event. The agreement is attached in **Annex B**. Please note that some information has been redacted under the following FOI exemptions:

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.

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. The redacted information includes names and contact details. As 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.

S.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 Legacy Corporation have assessed the impact of releasing the information redacted under this exemption. There is, of course, a public interest in promoting transparency of the decisions and accountability in regards to the agreements that are entered into by public sector bodies. However, the disclosure of the information within this agreement currently identified as commercially sensitive would be likely to prejudice the commercial interests of the Legacy Corporation as it will reveal details of financial information which would be likely

impact on current and future negotiations for hire agreements, which in turn would harm the Legacy Corporation's ability to achieve best value for the public purse.

The Legacy Corporation needs to be able to successfully operate in a small, strong and very competitive market. The information identified as commercially sensitive, if disclosed, would be likely to put the Legacy Corporation at a competitive disadvantage within this market by allowing competitors to gain access to commercially valuable information.

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.

Details of the exemptions applied to each redaction is in the Schedule of Redactions in **Annex C**.

- 4) *Does the LLDC hold copies of any correspondence between its staff and staff or representatives from Royal Dutch Shell/Shell International regarding any of the following areas:*
- a) *Media, communications and public relations activity relating to the Make the Future 2017 festival*
 - b) *Concerns raised or provisions made regarding the possibility of criticism by the public/media or protest related to Royal Dutch Shell/Shell International and 'Make the Future 2017'*
 - c) *The attendance of, or visits made, by any VIP individuals and arrangements or provisions made for their attendance,*

The Legacy Corporation has estimated that the resources that would be required to identify, locate, retrieve and extract this information would far exceed the appropriate limit.

The appropriate limit for the Legacy Corporation is £450, calculated as 18 hours at the rate of £25 per hour, however, only the time taken to:

- a. establishing if the information is held;
 - b. locating the information;
 - c. retrieving the information; and
 - d. extracting the information,
- can be taken into consideration when calculating the estimated costs of answering the request.

Searches were conducted over the Legacy Corporation email archive based on the following criteria:

- emails from or to the @shell.com domain and the term "2017"
- emails from or to the @imagination.com domain and the term "2017"
- emails that included "royal dutch shell", and sent before (incl) 07/07/2017, and;
- emails that included "make the future 2017", and sent before (incl) 07/07/2017.

The searches found 3,135 emails. In order to locate, identify and extract the correspondence relevant to the request the Legacy Corporation would need to review all of the emails found in the search in order to identify if they were relevant to the information requested.

Working on the basis that it would take approximately 1 minute to review each email and identify its relevance to the request, it would take over 52 hours to review the search results. Based on the cost of £25 per hour, this would cost the Legacy Corporation over £1,300. This estimate does not take into consideration the time to assess the public interest on each email, consult with any involved third parties or apply any exemptions if they are considered necessary.

The Legacy Corporation cannot justify the cost or the use of resources that would be required in order to answer your request and consequently, we are refusing to respond to this request under Section 12 of the FOIA.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. We will then be able to ascertain whether we would be able to respond within the appropriate limit on this new request, or offer advice on how to refine your search.

Any reformulated request will be treated as a new information request.

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

Email: FOI@londonlegacy.co.uk

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

Yours sincerely

FOI / EIR Co-ordinator
London Legacy Development Corporation