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[REDACTED]

20 November 2018

INTERNAL REVIEW - REFERENCE 17-065

Dear [REDACTED]

We refer to your email of 1 March 2018 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to your request reference to the London Legacy Development Corporation (Legacy Corporation) reference as above.

The internal review has been completed and the findings and recommendations of the internal review are as follows:

1. Background

- 1.1. Your original request, reference 17-065, and received on 4 December 2017 requested: *“Please provide copies of all emails sent and received by the CEO between November 28, 2017, and today’s date (up to the time of this email) which relate to the Independent Review of the Olympic Stadium.”*

The original due date for this request was 4 January 2018. The due date was extended for an additional 5 occasions of 20 working to 25 July for continuing assessment of the public interest.

Your request for an internal review was received on the date of the final extension above, 1 March and is set out below:

“I write with a request for an internal review. The ICO is clear that delays are only possible in exceptional circumstances. No such circumstances have been advanced.”

The response to the original request was released on 25 July 2018.

2. Review findings:

2.1. The Internal Review Panel undertook a review of the request and the issues with the process that were causing the delays in the response. The Panel did not review the response itself.

2.2. The Panel noted the following contributing factors to the delay in responding:

Procedural differences

Under standard FOI procedures where the information requested is not highly sensitive or confidential, requests of this nature would be initially handled by the FOI/EIR co-ordinator. Emails would be extracted from the email accounts and reviewed for relevance to the request and then the results of that review would be presented to the relevant parties for more detailed consideration.

At the time of the request the Chief Executive role was in a period of transition. The previous CEO had left on 29 November and the role was being covered by the Deputy CEO.

This request covered the tenure of the previous CEO and the period where the Deputy CEO was covering the CEO position (28 November 2017 to 4 December 2017) and as such the emails for that time- period needed to be extracted from the two separate accounts. Given the extremely sensitive information within these mailboxes, this extraction was undertaken by the CEO's PA and initially reviewed by the Deputy CEO. The change in format and multiple responsibilities and the multitude of other high-profile issues underway at that time meant that this took longer than it would have under the standard process.

Multiple consultations

With the consideration of the above, the email bundle contained email exchanges with multiple stakeholders. All of these stakeholders needed to be notified of the request and their feedback taken into consideration against the continuing public interest assessments for each exchange.

2.3. In addition, the Panel noted the following exceptional circumstances:

The Legacy Corporation aims to respond to all FOIA requests within 20 working days but, where the public interest considerations are exceptionally complex or extremely sensitive, we will take longer to consider the public interest, with the emphasis on releasing the response as soon as we can and also on disclosing as much as we can, balanced with minimising the harm that disclosing information inappropriately would be likely to have on multiple parties.

Multiple requests were received at the time we received this initial request, the majority of which were as a result of the release of the Moore Stephens Olympic Stadium Review on 1 December 2017. All of these requests were complex and placed a high demand on limited resources. The receipt of multiple, complex information requests received within a short period of time and the requirement in this instance to contact multiple stakeholders and consider the public interest had a significant impact on the limited resources. The various demands were met as effectively as possible but inevitably there was an impact on the efficiency in relation to the response time as the varied demands of the multiple requests in addition to their other responsibilities.

The Legacy Corporation acknowledge that in line with the ICO guidance any extension of time beyond 40 working days should only be used in very exceptional circumstances and it is the responsibility of the public authority to justify its decision fully in each case. In this case, and with consideration for the challenging circumstances, the Legacy Corporation and E20 consider that there were exceptional circumstances and the extension of time was justified.

2.4. Communication

The Panel felt that the communication to the requestor could have been clearer and explained some of the background issues that impacted on the delay in the response. As the requestor states in his internal review request, *"delays are only possible in exceptional circumstances. No such circumstances have been advanced."*

3. Panel Recommendations:

The circumstances at this time were exceptional and are unlikely to be repeated, however, the Panel recommend that wherever possible, if a request requires an extension past the 40 working days due to what the organisation considers to be exceptional circumstances, the requestor is given as full an explanation as possible as to the reasons for the delay.

The Panel also recommend that, where a request requires a significant number of emails to be extracted, then the standard approach, where the initial review is undertaken by the FOI Coordinator, should be used wherever possible.

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