



Level 10  
1 Stratford Place  
Montfichet Road  
London  
E20 1EJ



13 February 2018

**INFORMATION REQUEST REFERENCE 17-066**

Dear 

Thank you for your information request, received on 5 December 2017. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"Please can I request all correspondence between Tower Hamlets and the LLDC in relation to the adoption of the proposed H16 bridge on Fish Island. I am particularly keen to know which personnel at Tower Hamlets the LLDC is in discussions with.*

*Please can you advise whether it will cost extra to demolish Vittoria Wharf and build H16 bridge by virtue of contractors Balfour Beatty not having access to Forman's land by way of licence, and if so, by how much?*

*Please can I see all internal correspondence in the last 12 months relating to the option for Forman's to acquire the triangle of land between the H16 bridge and Forman's existing building."*

I can confirm that the Legacy Corporations holds information relevant to your request, our response follows your order:

*Please can I request all correspondence between Tower Hamlets and the LLDC in relation to the adoption of the proposed H16 bridge on Fish Island. I am particularly keen to know which personnel at Tower Hamlets the LLDC is in discussions with.*

Please find attached in **Annex A** all correspondence between Tower Hamlets and the Legacy Corporation in relation to the adoption of the proposed H16 bridge on Fish Island.

Please be advised that information within these emails has been redacted under the following FOIA exemption:

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 member of staff is Head of Service or above, in line with the Local Government Transparency requirements.

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 the name and contact information. As we have not received consent of the data subjects, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

Please note that we have received consent to release the name of Margaret Cooper, the Head of Engineering at the London Borough of Tower Hamlets and therefore this information has not been redacted.

*Please can you advise whether it will cost extra to demolish Vittoria Wharf and build H16 bridge by virtue of contractors Balfour Beatty not having access to Forman's land by way of licence, and if so, by how much?*

The Legacy Corporation can confirm that Balfour Beatty not having access to Forman's land does mean that there is an additional cost to the public purse in the partial demolition of Vittoria Wharf and the building of the H16 bridge.

The actual figures for this additional cost is currently being withheld under FOIA section 43(2) – commercial interests.

FOIA 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 Legacy Corporation have assessed the impact of releasing the cost information requested. There is, of course, a public interest in promoting transparency of the decisions and accountability in regards to the expenditure of public sector bodies.

However, certain contracts in relation to this work are not yet finalised and releasing this information into the public domain before the contract is finalised would be likely to impact on the commercial interests of the contractor and the Legacy Corporation if any renegotiation was required, this in turn would harm the Legacy Corporation's ability to achieve best value for the public purse.

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.

*Please can I see all internal correspondence in the last 12 months relating to the option for Forman's to acquire the triangle of land between the H16 bridge and Forman's existing building.*

Please find all of the internal correspondence from the last 12 months in relation to the option for Forman's to acquire the triangle of land between the H16 bridge and Forman's existing building.

Please be advised that information has been redacted under the following FOIA exemptions:

*Section 21 - Information accessible to applicant by other means.*

*(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

*(2) For the purposes of subsection (1)—*

*(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and*

*(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.*

The information withheld under this exemption is been requested in a previous Freedom of Information request so is already available in the public domain, with redactions, on our websites under reference 17-050: <http://www.queenelizabetholympicpark.co.uk/our-story/the-legacy-corporation/good-governance/publication-scheme/disclosure-log/2017-foi>

*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 member of staff is Head of Service or above, in line with the Local Government Transparency requirements.

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 the name and contact information. As we have not received consent of the data subjects, 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, however, the disclosure of the information within this correspondence currently identified as commercially sensitive would be likely to prejudice commercial interests of the Legacy Corporation because it will reveal detail of the Legacy Corporation's plans and negotiation strategy which would impact on current and future negotiations, which in turn would harm the Legacy Corporation's ability to achieve best value for the public purse.

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.

Please note:

- Attachments have been included within the email chain, unless they are subject to the use of an exemption or attachments with the naming convention 'imagexxx.png' as these are images of various logo only so have not been included.
- Emails within the correspondence that are beyond the scope of the request have been included where they provide necessary context to the Legacy Corporation communication.

The schedule of redactions for the Annex B is attached in Annex C. This details the exemptions applicable on each page.

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](mailto: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](http://www.ico.gov.uk)

Yours sincerely

FOI / EIR Co-ordinator  
London Legacy Development Corporation