

[REDACTED]  
[REDACTED]

25 May 2018

**INFORMATION REQUEST REFERENCE 18-015**

Dear [REDACTED]

Thank you for your information request, received on 7 March 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"I am aware that there was a march planned by supporters of West Ham United FC in the borough of Newham and going on to the Olympic Park area on 10 March and this has now been cancelled. I request copies of all emails and meeting minutes that you hold that refers to this march in any way since 1 March 2018. For the avoidance of doubt, this should include internal and external emails."*

I can confirm that the Legacy Corporation holds information relevant to your request. Please find the correspondence attached in **Annex A**.

Please note that some information has been redacted under the FOIA exemptions: s.22 – intended for future publication, s.31(1)(a) – prevention of crime, s.40(2) – personal information, and s.43(2) – commercial interests. The schedule of the redactions is attached in **Annex B** and provides details of the exemptions that apply to the specific redactions. Further details on the application of these exemptions is provided below.

**S.22 - Information intended for future publication.**

*(1) Information is exempt information if—*

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*
- (b) the information was already held with a view to such publication at the time when the request for information was made, and*
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).*

This exemption has been applied to the draft minutes of the Stadium Safety Advisory Group (SSAG) held on 6 February 2018, attached to the email that starts on page 27.

The London Borough of Newham organise and provide the secretariat function for these meetings and they publish the approved minutes on their website.

This exemption is a class based qualified exemption and as such the Legacy Corporation has considered the public interest in releasing this information now in draft form against the approved information being publicly available in the future.

The Legacy Corporation understand there is, of course, a public interest in promoting transparency, however the Legacy Corporation believe that the public interest will not benefit from draft and potentially inaccurate information being released when there is a process already in place to publish this information. The Legacy Corporation are not aware of any pressing reason why the information should be needed now and given the relatively short period of time before this information is likely to be published; we consider that it is fair and reasonable to withhold the information for now.

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.

S.31 - Law enforcement.

*(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—*

*(a) the prevention or detection of crime*

The section 31 exemption 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 the prevention of crime. 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 this information and consider that the public interest in this particular information would not benefit from this information being released into the public domain. The security of the Stadium would be jeopardised, and the prevention of crime would be likely to be prejudiced. It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

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 for those members of staff under Head of Service level, and for non-Legacy Corporation personnel unless consent to release the information has been received. In addition to this, phone numbers for staff at all levels has been redacted, the email domain for some board members personal email accounts has been redacted and the description of a third party that would allow them to be identified has also been redacted under this exemption.

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. 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 regard to public sector bodies. However, the disclosure of the information currently identified as commercially sensitive would be likely to prejudice commercial interests of the Legacy Corporation.

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

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