



25 March 2019

INFORMATION REQUEST REFERENCE 18-020

Dear 

Thank you for your information request, received on 14 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 would like to request the following from the London Legacy Development Corporation.

Correspondence between the LLDC and the London Mayor since May 2016. Details of any meetings between the London Mayor and the LLDC, including minutes, any documents such as slides that were used in presentations and list of attendees."

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is attached as detailed below. Please be advised that information within these documents has been withheld under the following FOIA exemptions: section 40 – personal information and section 43(2) – commercial interests.

Annex A: Email Correspondence: information has been withheld under FOIA section 40 – personal information. Where an email has attachments, these have been inserted into the annex after the relevant email. Please note that the attachments named "image001.png" are just the QEOP logo and these have not been included in the response. The letters referenced in the emails are below.

Annex B: 20160506 letter: a phone number has been withheld under FOIA section 40 – personal information. Additional information is being withheld under section 43(3) – commercial interests.

Annex C: 20170721 letter: while the Legacy Corporation acknowledge that technically this letter is not within the scope of your request, it has been included as the Legacy Corporation were copied in to this correspondence from the Mayor, and the correspondence relates to the Legacy Corporation. Information has been withheld under FOIA section 40 – personal information.

Annex D: 20171222 letter: while the Legacy Corporation acknowledge that technically this letter is not with the scope of your request, it has been included as it was sent on behalf of the Mayor. No exemptions have been applied.

Annex E: 20180208 letter: the Bloomberg Report attached to this letter is being withheld under FOIA section 43(2) – commercial interests. Information is also being withheld under FOIA section 40 – personal information.

Annex F: 20180222 letter: information has been withheld under section 40 – personal information.

Annex G: 20180228 letter: information has been withheld under section 40 – personal information.

Details of the specific exemptions is provided below.

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 does not fall within subsection (1), and
(b) the first, second or third 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. Phone numbers have also been redacted. The email domain of all Board Members (past and present) has been redacted as has the personal email domain of past CEOs where appropriate.

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 s.3(2) of the Data Protection Act 2018.

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).

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.

Prejudice to commercial interests

The Legacy Corporation has assessed the impact of releasing the information withheld under the exemption s.43 – commercial interests, in order to decide whether disclosure would, or would be likely to, prejudice their commercial interests or those of any third party(ies).

Annex B: the information withheld within this Annex under section 43(2) is in relation to future financial plans and strategies which, if released, would prejudice the Legacy Corporation's commercial interests and their negotiation positions in multiple future projects and therefore the exemption is engaged.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the information currently withheld under this exemption would be likely to prejudice commercial interests of the Legacy Corporation as it will reveal details which would be likely impact on future strategies and also prejudice their ability to effectively negotiate and 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.

Annex E: As the information is in relation to a charity, the Legacy Corporation have also taken legal advice. The Legacy Corporation has concluded that prejudice to the commercial interests of the charity would be caused by disclosure and that the exemption is engaged.

The information withheld contains detailed organisational information and recommendations for structural changes, which if released, would harm the commercial interests of the charity and would be likely to harm its fundraising ability in a very competitive market.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the information currently identified as commercially sensitive would be likely to prejudice commercial interests of the Foundation for Future London as it will reveal details which would be likely impact on future strategies and also prejudice the effectiveness of their ability to fundraise.

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.

Information on meetings with the Mayor is attached in **Annex H**. Where known, other attendees have been added. No formal minutes for any of the meetings were found.

If you are unhappy with our response to your request and wish to make a complaint or request an internal 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