



17 October 2018

**INFORMATION REQUEST REFERENCE 18-035**

Dear 

Thank you for your information request, received on 16 May 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 was previously cancelled. Please can I request copies of all emails and meeting minutes that you hold that refers to this march (which was cancelled) in any way since 1st January 2018. For the avoidance of doubt, this includes all internal and external emails."*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. Please note that our FOIA response reference 18-015 contains the correspondence relevant to your request between the dates 1 March 2018 and 7 March 2018. The response to this request is published on the Legacy Corporation website in the disclosure log: <http://www.queenelizabetholympicpark.co.uk/our-story/the-legacy-corporation/good-governance/publication-scheme/disclosure-log/2018-foi>

In addition to the information provided in the 18-015 response, additional searches were undertaken for the following date ranges:

From 01/01/2018 to 28/02/2018, and  
From 08/03/2018 to 16/05/2018

The relevant correspondence is attached in **Annex A**.

Please note that some information has been redacted under the FOIA exemptions: s.21 – information accessible to the applicant by other means; s.31(1)(a) – prevention of crime;

s.40(2) – personal information; and s.41 – provided in confidence. 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:

Please be advised that the correspondence different subjects and where appropriate, parts of the correspondence dealing with other subjects that are not relevant to your request have been extracted. Where the extractions have been made there is a placemark [Extracted – not relevant to the request] within the correspondence in **Annex A**.

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*

This is an absolute and class-based exemption.

This exemption relates to the attachments included in the document bundle that reference the response for the FOI 18-015 as mentioned above. This response has now been released and the information is publicly available, and, at this time, any earlier drafts would be redacted in line with the final issued response.

The exemption also relates to the minutes of the Stadium Safety Advisory Group (SSAG) which are attached to some of the correspondence. This information is withheld under this exemption as this information is reasonably accessible as the London Borough of Newham (LBN) publish these minutes on their website: [www.newham.gov.uk/Pages/Services/Sports-grounds-licence.aspx](http://www.newham.gov.uk/Pages/Services/Sports-grounds-licence.aspx).

Section 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.

#### Prejudice to the prevention of crime

The Legacy Corporation has assessed the impact of releasing the information redacted under the exemption s.31(1)(a) – prevention of crime in order to decide whether disclosure would, or would be likely to, prejudice the prevention of crime. They have concluded that prejudice to the prevention of crime would be caused by disclosure so the exemption is engaged.

While the subject of the request, the planned but cancelled supporters march, is referenced in the information that falls within the scope of the request, due to the other events that occurred at the WHU v Burnley match on 10 March, this information contains detailed information in relation to security operations that is extremely sensitive and should not be disclosed. Releasing this security information would prejudice the prevention of crime and jeopardise the security of the Stadium.

#### 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 within **Annex A** identified as prejudice to the prevention of crime would be likely to prejudice the security of the Stadium because it will reveal details which would impact on the security of the Stadium by revealing sensitive security arrangements and operations. This would impact on all the responsible parties' ability to provide security at events both within the Stadium and also Queen Elizabeth Olympic Park.

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.*

The section 40 exemption is absolute and is not subject to the public interest test. In this instance, the relevant condition that applies is the first (see section 40 (3A) (a)), namely that disclosure would breach one of the data protection principles. The relevant data protection principle in this case is that personal data must be processed fairly and we have concluded that it would not be fair to the relevant individuals for their personal data to be disclosed.

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 and personal email accounts have also been redacted.

Section 41 - Information provided in confidence.

*(1) Information is exempt information if—*

*(a) it was obtained by the public authority from any other person (including another public authority), and*

*(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

This is an absolute and class-based exemption.

This exemption relates to the LS185 reports on the disruption during the WH v Burnley match on 10 March 2018, the response letter to the FA and the WHUFC v Burnley FC Final report. All of these reports were sent and received on the clear understanding and in the reasonable expectation shared by both parties that it was being sent in confidence and was not to be shared or disseminated further. We have considered whether disclosure of these reports would give rise to an actionable breach of confidence and have concluded that it would.

In the regular course of business between the Legacy Corporation, E20, LS185 and West Ham United, information is exchanged between the separate parties to ensure that they are mutually informed of difficult issues. To facilitate this, it is sometimes necessary to make the other party aware of confidential or sensitive matters. These are such instances. It is important that where such exchanges are necessary there is a clear understanding of the confidential nature of the information being exchanged. Disclosure of this information would be likely to cause significant detriment to the relationships between the parties exchanging the information and it also would prejudice the parties' ability to work together if the confidentiality of future information exchanges could not be assured.

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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](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