



21 August 2018

INFORMATION REQUEST REFERENCE 18-044

Dear 

Thank you for your information request, received on 24 July 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Please provide details of any income received by the London Legacy Development Corporation from Here East since it opened.

Please provide details of income received by the holders of the Here East lease from the various occupants of its facilities, providing details of the payments against each of the occupants per year of occupation.”

I can confirm that the Legacy Corporation holds some information relevant to your first request. Our response follows your order:

Q1. *Please provide details of any income received by the London Legacy Development Corporation from Here East since it opened*

Details of the income received by the Legacy Corporation from Here East is shown in **Annex A**.

Q2. *Please provide details of income received by the holders of the Here East lease from the various occupants of its facilities, providing details of the payments against each of the occupants per year of occupation*

The Legacy Corporations holds information in relation to income received by the holders of the Here East lease (Here East), however this information is being withheld under FOIA section 43(2) commercial information.

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 being withheld under this exemption. Here East were consulted in relation to this request in order to ascertain the impact that releasing this information would have on their commercial interests.

There is, of course, a public interest in promoting transparency, however, the disclosure of this information would prejudice commercial interests of Here East because it will reveal details of financial information which would impact on Here East's ability to negotiate appropriate terms and future rent reviews.

In addition, the information identified as commercially sensitive, if disclosed, would be likely to put Here East at a competitive disadvantage within their market by allowing competitors to gain access to commercially valuable information.

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

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

18-044 Annex A

	2014/15	2015/16	2016/17	2017/18	2018/19*	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Fixed Estate Charge - Here East	217	368	1,195	1,195	292	3,267
Rental income from car parking spaces for Here East in the Multi Storey Car Park	54	93	180	480	195	1,002
Recovery of proportion of rates related to car parking spaces in Multi Storey Car Park	0	0	22	60	47	130
	271	462	1,397	1,735	534	4,399

2018/19* - these figures are from 2018/19 up to the date of the request