



Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



19 September 2018

INFORMATION REQUEST REFERENCE 18-046

Dear 

Thank you for your information request, received on 26 July 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 make a further request for all emails/letters/correspondence that relates in any way to my FOI request referred to in this email chain, which I believe has reference number 18-011.

This is to include all internal and external emails (sent to and from LLDC and E20 with WHUFC and anyone acting on their behalf)."

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

Please be advised that the correspondence covered different subjects and 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] within the correspondence in **Annex A**.

Please note that information has been redacted under the following exemptions: s.22 – intended for future publication, s.40 – personal information and s.42 – legal professional privilege. 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.

Section 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 response to your FOI request reference 18-011 as this has been sent to you and will be published on our FOI disclosure log very shortly.

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.

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 to be 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 to withhold 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 understand there is, of course, a public interest in promoting transparency, however the Legacy Corporation believes that the public interest will not benefit from this information being released in early draft when there is a process already in place to publish this information under the FOIA 18-011 has been completed and the response will be published on the FOI disclosure log on the Legacy Corporation website. It is the view of the Legacy Corporation that, at this time, the public interest will not benefit from inaccurate and incomplete disclosure and therefore 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 does not fall within subsection (1), and
(b) the first, second or third 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 42 - Legal Professional Privilege

(1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

This is a qualified exemption and the public interest was taken into consideration. The Legacy Corporation recognises the public interest in promoting the transparency of their decisions and accountability, however there is also a strong requirement to safeguard openness in communications between client and lawyer which is essential to effective governance.

The general public interest inherent in section 42 will always be strong due to the importance of the principle behind legal professional privilege: safeguarding openness in all communications between client and lawyer to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice. Strong countervailing considerations are needed to justify disclosure of legal advice. The Legacy Corporation has considered the public interest factors in favour of disclosure of the requested information, including the general public interest in transparency and accountability of public bodies and informing the public debate.

The Legacy Corporation has considered whether this information should be released under FOIA and has concluded that the stronger public interest lies in withholding the information because of the strong need to ensure that the Legacy Corporation as a public body can obtain full and frank legal advice to inform its decision-making processes.

Please note that the information provided represents the recorded information held in relation to this request; face to face discussions or informal meetings are not minuted and phone conversations are not recorded.

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