



Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



21 December 2018

INFORMATION REQUEST REFERENCE 18-048

Dear 

Thank you for your information request, received on 6 August 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Please can you release any documents, reports, analyses, risk assessments or risk registers related to the impact of Brexit on the London Legacy Development Corporation and the Queen Elizabeth Olympic Park.”

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:

- Annex A: EMT Brexit presentation 20160627
- Annex B: TPI Review – Pre Brexit
- Annex C: TPI Review – Post Brexit
- Annex D: TPI Review – Post Brexit no BCIS
- Annex E: QRA Brexit – UCLE and SW
- Annex F: Implication of EU referendum result. Presentation. 20160712
- Annex G: East Bank programme risk register (Brexit entries only)
- Annex H: SWFT Risk Register (Brexit entries only)
- Annex I: Corporate Risk Register

Please be advised that information within these documents has been withheld under the FOIA exemptions: section 40 – personal information and section 43(2) – commercial interests. Details of the specific exemptions for the redactions is provided in the Schedule of redactions attached in **Annex J**.

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 redacted 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). They have concluded that prejudice to commercial interests would be caused by disclosure so that the exemption is engaged.

Where the information has been redacted, the Legacy Corporation has assessed that releasing this specific information would be likely to harm their commercial interests. In relation to the impact of Brexit, the Legacy Corporation considers that releasing the information redacted under section 43(2) would prejudice their commercial interests as it would reveal their strategies in relation to aspects of Brexit, or commercial strategies in general, which would be likely to put them at a commercial disadvantage.

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 redacted within the Annexes and identified as commercially sensitive would be likely to prejudice commercial interests of the Legacy Corporation because it will reveal details which would be likely impact on future strategies and this in turn would impact on the Legacy Corporation's ability to get 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.

Please note that information has been extracted where it is not relevant to your request. Each extraction is noted on the relevant document.

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