



8 October 2018

**INFORMATION REQUEST REFERENCE 18-056**

Dear 

Thank you for your information request, received on 28 August 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"Subject: FOI Request: Ally Law*

*This is a freedom of information request.*

*Please can you release any documents, such as incident reports or repair cost summaries related to the YouTube video creator Ally Law, who has previously posted videos of himself breaking into the West Ham Stadium and the Orbit:*

*<https://www.youtube.com/watch?v=pywJIArOOgk>*

*<https://www.youtube.com/watch?v=9r2v0uaFmyw>*

*If you have issued any advice to business owners regarding Law or similar "urban explorers", please could you release this guidance too? (If this addition puts the FOI over the cost limit, please disregard this part.)"*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. E20 Stadium LLP (E20) were also consulted for this response as they hold information in relation to the Stadium.

We hold incident logs or reports in relation to Ally Law trespass incidents, including those at the ArcelorMittal Orbit (Orbit) on 23 September 2017 and London Stadium on 4 November 2017, however, these records are being withheld under FOIA section 31(1)(a) – prejudice the prevention or detection of crime.

### 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 withheld 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. We have concluded that prejudice to the prevention of crime would be caused by disclosing this information so the exemption is engaged.

Given the nature of the information requested and the ongoing trespass incidents at Queen Elizabeth Olympic Park (the Park) and its venues, releasing the incident reports and logs in relation to these trespass incidents will make public information on the security of these venues which is extremely sensitive and would prejudice the prevention of crime and jeopardise the security of these venues and the Park.

### 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 requested, currently withheld under s.31(1)(a) and identified as prejudice to the prevention of crime would be likely to prejudice the security of the Park and venues because it will reveal details which would reveal sensitive security arrangements and operations.

It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

The Legacy Corporation can confirm that there was no repair bill directly related to these events, however, budgets have been established for additional work in relation to security as

a result of these trespass incidents, however, the work has yet to be procured and releasing the estimated costs at this time would impact of the procurement exercises, therefore this information is being withheld under section 43(2) – commercial interests.

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.

The Legacy Corporation is in the early stages of procurement exercises in relation to additional works as a result of the trespass incidents. Releasing the budget available for these procurement exercises would be likely to influence those procurement exercises, and any current and future negotiations in relation to these procurements and therefore impact of the Legacy Corporation's ability to achieve best value for the public purse.

**Public Interest Test**

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the budget 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 current and future procurements and negotiations and this 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: the Legacy Corporation has not issued any advice or guidance to business owners regarding Law or similar "urban explorers"

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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