

[REDACTED]

18 March 2019

INFORMATION REQUEST REFERENCE 18-057

Dear [REDACTED]

Thank you for your information request, received on 29 August 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA).

Under the freedom of information, I would like to request any correspondence including emails between Sheila Roberts (Newham Council employee and Chairman of London Stadium Safety Advisory Board) and E20 and LLDC within the last 36 months.

I understand that Sheila's email address is sheila.roberts@newham.gov.uk

I can confirm that the Legacy Corporation holds information which falls within the scope of your request.

Please find attached in **Annex A**.

Certain information has been redacted under the following FOIA exemptions.

- S. 31 – law enforcement
- S. 40 – personal data

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.

The Legacy Corporation has assessed the impact of releasing this information and consider that it would not be in the public interest to release the information. The withheld information relates to the contingency procedures in relation to dispersal plans of the public and disclosing this information would be likely to prejudice the security of the Stadium and the safety and security of Stadium events would be jeopardised. It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing at this time.

Section 40 – 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.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act –

(a) would contravene any of the data protection principles

The Legacy Corporation relies on this exemption to the withhold names and email addresses of staff below Head of Service level who are not in decision-making positions, and who would have a reasonable expectation that their information would not be released. In addition, all telephone numbers are withheld.

In determining whether the exemption applied the organisation first considered whether the information was *personal data* within the meaning of Article 4(1) of the General Data Protection Regulation (“GDPR”). Based on the definition, the organisation maintains that the information is personal data. The organisation has then considered whether the condition at section 40(3A)(a) FOI is engaged, i.e. whether disclosure of the personal data would breach any of principles related to the processing of personal data (Article 5(1)(A) GDPR).

In terms of processing Article 4(2) of the GDPR, the release/processing of personal data in response to a request under FOIA would fall within this definition.

The organisation has considered the provisions of Article 4(2) in the light of Article 5(1)(a), in particular, whether disclosure would be fair.

The organisation maintains that, at the time the data were collected, the individuals would have had no reasonable expectation that the information would be further processed and disclosed in response to a Freedom of Information request. In addition, withholding the personal information of members of staff below Head of Service level does not have an impact on how the disclosed information can be understood.

As the organisation considers disclosure of the information would be unfair, section 40 act as an absolute exemption in this case and there is no need to carry out a public interest test.

Please note that any highlighting within the correspondence in **Annex A** is within the original email.

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