



Level 10  
1 Stratford Place  
Montfichet Road  
London  
E20 1EJ



12 December 2018

**INFORMATION REQUEST REFERENCE 18-071**

Dear 

Thank you for your information request, received on 23 October 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 cat could you please send me a copy of the independent review/report into the West Ham v Burnley game as referred in the 18th June 2018 Newham London Stadium Safety Advisory Group minutes.  
<https://www.newham.gov.uk/Documents/Business/SSAGMinutes18June2018.pdf>”*

I can confirm that the Legacy Corporation holds the information you have requested, however the report is being withheld under FOIA exemption section 31(1)(a) – the prevention or detection of crime.

**FOIA 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.

In accordance with the statutory Code of Practice issued by the Information Commissioner's Office, as part of the public interest assessment, the Legacy Corporation contacts third parties referenced in the information, to give them the opportunity to provide examples of any harm from their perspective that there may be from releasing the information. Under FOIA, the Legacy Corporation cannot assume what information might be exempt, and therefore any third party that may be affected by disclosure is asked to provide details of the harm that releasing the information would have on its commercial interests. The Legacy Corporation and E20 take the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process as joint commissioners of the report, West Ham were contacted for their views. The views of the Metropolitan Police Service were also taken into consideration.

#### Prejudice to the prevention of crime

The Legacy Corporation and E20 have assessed the impact of releasing the report into the West Ham FC v Burnley FC Premier League match on Saturday 10 March 2018 in order to decide whether disclosure of the report would, or would be likely to, prejudice the prevention of crime. The Legacy Corporation and E20 have concluded that prejudice to the prevention of crime would be caused by disclosure so that the exemption is engaged.

#### Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the Legacy Corporation and E20 have assessed the impact of releasing the report. The report contains details of specific Police intelligence and Police actions in addition to details of sensitive information relating to the safety and security planning for the WHU matches at the Stadium. It is the view of the Legacy Corporation and E20 that releasing the report into the public domain would seriously impact on the effectiveness of the provision of security at the Stadium and jeopardise the prevention of crime.

The Legacy Corporation and E20 do not believe that the public interest would not benefit from the report being in the public domain. It is the view of the Legacy Corporation and E20 that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

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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