



20 December 2018

**INFORMATION REQUEST REFERENCE 18-086**

Dear 

Thank you for your information request, received on 3 December 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"We have seen the Board Actions List which was reported to the meeting of the Board of the London Legacy Development Corporation on 27 November 2018. The Board Actions List notes that an action from the previous meeting on 23 October 2018 was to "send briefing note to the Chair and Baroness Lola Young OBE regarding the Madison Square Garden (MSG) proposals". That action is noted as being completed in the Board Actions List considered at the meeting of 27 November.*

*We request a copy of the briefing note and any accompanying material which was provided to the Chair and Baroness Lola Young OBE regarding the MSG proposals.*

*For the avoidance of doubt if that note was provided to only one of those parties we request a copy of that note and the accompanying materials."*

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.

Annex A: MSG Briefing Note October 2018

Annex B: Briefing for Sadiq Khan 18 October 2018.

Please note that information has been redacted under exemption 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.

The Legacy Corporation has assessed the impact of releasing the information redacted under the section 43 exemption 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 withheld information relates to the status of the Legacy Corporation's discussions with a third party as part a pre-application process, including details of our negotiation position and the impact of potential issues. Releasing this information, at this time, would be likely to put the Legacy Corporation at a disadvantage during these sensitive discussions by making public information in relation to their strategy and negotiation position.

There is, of course, the Legacy Corporation's commitment to openness and transparency, as well as the inherent presumption in favour of disclosure of information requested, however, the disclosure of the information currently withheld under section 43(2) 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 current and future highly sensitive negotiations and this would in turn would be likely to impact on the Legacy Corporation's ability to get best value for the public purse.

The public interest in releasing this information at this time is small, especially with consideration that the pre-application process is still ongoing and a planning application has not yet been submitted.

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.

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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