

[REDACTED]

30 May 2019

INFORMATION REQUEST REFERENCE 19-021

Dear [REDACTED],

Thank you for your information request, received on 30 April 2019. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA) / Environmental Information Regulations 2004 (EIR):

The MSG Sphere planning application documents (Environmental Statement, Vol 4) refers to the following two reports:

Reconfiguration of Westfield Avenue and Montfichet Road - Feasibility Design Report (May 2015) LLDC Vision report for Montfichet Road (October 2018)

Please could you provide copies of these, in electronic form.

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

Annex A is the Reconfiguration of Westfield Avenue and Montfichet Road.

Annex B is the LLDC Vision Report for Montfichet Road (October 2018).

Please see the attached documents entitled Annex A and Annex B.

Please note part of the information requested has been withheld under the FOIA exemption section 31 (1)(a) – the prevention and detection of crime. This relates to section 4.11 of Annex A.

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 must 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 take the views of affected third parties into consideration when undertaking the public interest assessment.

Prejudice to the prevention of crime

The Legacy Corporation have assessed the impact of releasing the report into the Reconfiguration of Westfield Avenue and Montfichet Road - Feasibility Design Report (May 2015) LLDC Vision report for Montfichet Road (October 2018) in order to decide whether disclosure of the report would, or would be likely to, prejudice the prevention of crime. The Legacy Corporation has concluded that prejudice to the prevention of crime would be caused by disclosure of the information in part 4.11 of this document and as such, that 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 has assessed the impact of releasing the report. The report contains details of specific intelligence and actions in addition to details of sensitive information relating to the safety and security of Montfichet Road. It is the view of the Legacy Corporation that releasing the report into the public domain would seriously impact on the effectiveness of the provision of security and jeopardise the prevention of crime.

The Legacy Corporation 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 that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

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