



06 September 2019

INFORMATION REQUEST REFERENCE 19-022

Dear ,

Thank you for your information request, received on 3 May 2019. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

"I would like to make the following request under the Freedom of Information Act.

I would like to see any any minutes of meetings held with, and emails received from, or sent to, the Madison Square Garden Company about the proposed MSG Sphere in Stratford since 2016."

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

Please find attached in **Annex A** the meeting schedule of confirmed meetings regarding the proposed MSG Sphere in Stratford.

Please note the minutes for meetings held in 2018 are already published on our website under FOI 18-090 and FOI 18-049. To view the responses to FOI 18-090 and FOI 18-049 please click the following link:

<https://www.queenelizabetholympicpark.co.uk/our-story/the-legacy-corporation/good-governance/publication-scheme/disclosure-log>

Please find attached in **Annex B** the minutes of meetings regarding the proposed MSG Sphere in Stratford held since December 2018.

Please find attached in **Annex C** emails received from, or sent to, the Madison Square Garden Company about the proposed MSG Sphere in Stratford since 2016.

Please note some information from **Annexes B and C** has been withheld under s.40(2) personal information and s.43(2) Commercial interests.

Section 40(2) – 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.

It is the standard practice of the Legacy Corporation to withhold personal information unless consent to release the information has been received.

The section 40 exemption is absolute and is not subject to the public interest test. In this instance, the relevant condition that applies is section 40(2) whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998.

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.

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. 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