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[REDACTED]

13 October 2020

**INTERNAL REVIEW - REFERENCE 19-032**

Dear [REDACTED]

We refer to your email of 21 October 2019 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

The internal review has been completed and the findings and recommendations of the internal review are as follows:

**1. Background**

1.1. The original request (Ref 19-032) was received on 15 July 2019 and requested that the Legacy Corporation provide information under the Freedom of Information Act 2000 in response to a series of questions as set out below:

*"Please could you provide (to this email address) the following information in full:*

- *Agenda item 18 from the meeting of the London Legacy Development Corporation Investment Committee on Tuesday 12 February 2019: "East Bank Assurance Update*
- *Exempt information relating to the item on Part 1" (Pages 53 – 70 in the Public Reports Pack - <https://www.london.gov.uk/moderngovlldc/documents/g6175/Public%20reports%20pack%20Tuesday%2012-Feb-2019%2011.00%20Investment%20Committee.pdf?T=10> )*
- *"Appendix 1: East Bank Quarterly Assurance Report and Programme Risk Register", referred to on page 90 of the Public Reports Pack for the meeting of the London Legacy Development Corporation Audit Committee on Wednesday 13 March 2019: <https://www.london.gov.uk/moderngovlldc/documents/g6187/Public%20reports>*

[ts%20pack%20Wednesday%2013-Mar-2019%2010.00%20Audit%20Committee.pdf?T=10](https://www.queeneizabetholympicpark.co.uk/our-story/how-we-work/good-governance/publication-scheme/disclosure-log/2019-foi)

- Agenda item 20 from the meeting of the London Legacy Development Corporation Audit Committee on Wednesday 13 March 2019: “Exempt information relating to risks and issues (East Bank)” (Pages 213 -226 of the Public Reports Pack). Please include “20b East bank programme risks” and “20c insolvency strategy” in this.

*We believe there is a public interest in publishing this information, on the grounds of accountability and ensuring value for money in decisions about public spending.”*

- 1.2. A response was sent on 10 September 2019 to inform you that the Legacy Corporation had considered your request and that the relevant information was provided. This is attached at **Annex E** minus the original annexes which can be found in the disclosure log here: <https://www.queeneizabetholympicpark.co.uk/our-story/how-we-work/good-governance/publication-scheme/disclosure-log/2019-foi>
- 1.3. Your subsequent email request for an internal review was received on 21 October 2019 setting out the grounds for appeal as follows:

*“Thank you for this response. Please could LLDC carry out an internal review of the decisions to redact information from these documents.*

*When reviewing the decisions to redact information on grounds of commercial sensitivity, could you consider how likely this redacted information would be to impact on procurement activity, and whether this is outweighed by the public interest in transparency and accountability in the use of public funds.*

*Could you let me know the expected timescale for the review?”*

## **2. Review findings:**

- 2.1. The internal review has now been concluded and the findings and recommendations of the review are set out below.
- 2.2. As requested, the internal review panel (“the Panel”) reviewed the information redacted from the Legacy Corporation’s original response in relation to section 43(2) – Commercial Interests. The redactions applied under section 31 – law enforcement and section 40(2) – personal information were not reviewed by the Panel as these were not challenged in the internal review request.
- 2.3. The Panel undertook a full review of the redactions applied under section 43(2) commercial interests within annexes A, B and C, taking an independent view on whether the redacted information met the prejudice test set out in the Freedom of Information Act and referred to in the ICO report.
- 2.4. As part of the review, the Panel challenged some of the redactions that were applied by consulting with colleagues within the Legacy Corporation and also by contacting the relevant third parties where necessary.
- 2.5. In addition to the above, the information redacted under the commercially sensitive exemption at the time of the original request was reviewed to assess if the passage of time had lessened the commercial sensitivity to the point where the public interest

to disclose the information outweighs the public interest in withholding it.

- 2.6. As a result of this exercise the Panel recommended that additional information within Annexes A, B and C should now be released or partially released. The Internal Review team was satisfied that the remainder of the redactions met the prejudice test and should remain withheld under section 43(2) commercial interests because it would be likely to prejudice the commercial interests of the Legacy Corporation and of third parties involved in the East Bank project because it would be likely to impact on current and future procurement activity being undertaken, which in turn would harm the Legacy Corporation's and third parties' ability to achieve best value for the public purse.

### **3. Panel Recommendations:**

- 3.1. The Panel recommend that the Investment Committee paper (pages 53-70), the East Bank Quarterly Assurance report, and Programme Risk Register be released with the removal of some redactions. These are attached at **Annex A, B and C**.
- 3.2. A redaction schedule showing the release or partial release of information is attached in **Annex D**.

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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

Deputy Chief Executive  
London Legacy Development Corporation