



20 September 2019

INFORMATION REQUEST REFERENCE 19-033

Dear [REDACTED],

Thank you for your information request, received on 25 July 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 request the following information:

Confirmation that pre application advice was sought and/or meetings held with the LVRPA earlier this year regarding a proposed hotel development at Eton Manor.

All information held concerning this matter such as emails, meeting notes and records of advice and information provided by the LLDC."

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

The information relevant to your request is below and our response follows your order:

Confirmation that pre application advice was sought and/or meetings held with the LVRPA earlier this year regarding a proposed hotel development at Eton Manor.

I can confirm that pre application advice was sought and a meeting was held between the Legacy Corporation and LVRPA on 18 April 2019 regarding a proposed hotel development at Eton Manor.

All information held concerning this matter such as emails, meeting notes and records of advice and information provided by the LLDC.

Please see attached in **Annex A** emails and supporting attachments regarding pre application advice which was sought regarding the proposed hotel development at Eton Manor. Please note that attachments with the PNG suffix are the relevant parties' logos and they have not been included.

I can confirm that there are no meeting notes, from the meeting which took place between the Legacy Corporation and LRVPA on 18 April 2019.

Following a search of information held by the Legacy Corporation I can confirm that we hold no records of advice or information provided by the Legacy Corporation in relation to the proposed hotel development at Eton Manor.

Please note that some information within **Annex A** has been withheld under s.22 information intended for future publication, s.40(2) personal information and s.43(2) commercial interests (page 71).

s.22 - Information intended for future publication.

(1) Information is exempt information if—

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

This exemption is a class based qualified exemption and as such the Legacy Corporation has considered the public interest in releasing this information now against the approved information being publicly available in the future.

As we have been informed by Lee Valley Regional Park Authority that details of the developer are intended to be published at a later date when the developer has been appointed, 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.

The Legacy Corporation understand the public interest in seeing this information however the public interest will benefit from complete information being released when the developer has been formally appointed as opposed to partial and incomplete information being released at this point.

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).

The 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.

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

The Legacy Corporation has assessed the impact of releasing the information redacted under this exemption. There is, of course, a public interest in promoting transparency of the decisions and accountability in regards to public sector bodies. However, the disclosure of the information currently identified as commercially sensitive would be likely to prejudice the commercial interests of third parties involved because it will reveal details of financial information which would be likely impact on current and future negotiations, which in turn would harm the third parties' ability to achieve 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