

[REDACTED]

15 May 2020

**INFORMATION REQUEST REFERENCE 19-070**

Dear [REDACTED]

Thank you for your information request, received on 8 November 2019. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"As noted within the E20 Board meeting minutes for the meeting held on 25th April 2017:*

*"6b) Stadium Handover and Asset Survey/Other LS185 Contractual Issues*

*- In particular, it was noted that LS185 have submitted in total 33 reports and that the process of resolving the dispute (if possible) should be simplified"*

*Please can you provide me with:*

*- The title of each of the identified 33 reports. The name of the company responsible for producing the 33 reports (if they are LS185 produced reports or the name of the company or business who has produced the report on behalf of LS185)*

*&*

*As noted within the E20 Board meeting minutes for the meeting held on 25th April 2017:*

*"Action 6b.2 - E20 to compose contingency plans with a realistic time frame and financial impact. One for stepping in for "work around solutions" and one in the event LS185 'down tools' "*

*Please can you provide me with copies of the aforementioned contingency plans."*

I can confirm that the Legacy Corporation holds information relevant to your requests. Please find attached in **Annex A**: the list of 33 identified reports the company responsible for producing them and who the report was produced on behalf of.

The documents relating to the contingency plans are attached in **Annex B** to **E**.

**Annex B:** Contingency Plan slides for meeting 7 July

**Annex C:** Contingency Planning Session Document 1 – Log of LS185 non-compliance issues

**Annex D:** Contingency Planning Session Document 2 – Timeline using 1 August example

**Annex E:** Contingency Planning Session Document 3 – Review of Core team

Please be advised that information within these documents has been redacted under FOIA section 40 and section 43. The relevant exemption is identified within the redaction.

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 does not fall within subsection (1), and  
(b) the first, second or third condition below is satisfied.*

It is the standard practice of the Legacy Corporation to redact personal information for those members of staff under Head of Service level, and for non-Legacy Corporation personnel 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 s.3(2) of the Data Protection Act 2018.

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.

Prejudice to commercial interests

The Legacy Corporation has assessed the impact of releasing the information redacted under the exemption s.43 – commercial interests 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 future business strategies. Releasing the information currently redacted within this document under the commercial interest exemption would harm the effectiveness of the future strategies and business plans of the Legacy Corporation and E20.

#### Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the information within **Annexes B and C** identified as commercially sensitive would be likely to prejudice commercial interests of E20 and the Legacy Corporation because they would reveal details which would be likely impact on the effectiveness of future business strategies and this would impact on E20 and the Legacy Corporations 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.

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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