

Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

[REDACTED]

23 July 2020

INTERNAL REVIEW – REFERENCE 19-071

Dear [REDACTED]

We refer to your email of 21 May 2020 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 19-071) was received on 8 November 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:

"As noted in the E20 Board meeting minutes for the meeting held 27th June 2017:

"The Board requested that the radical seating review report to be addressed to E20 and its members"

Please can I be provided with a copy of the radical seating review report."

- 1.2. A response was sent on 6 April 2020. This has been attached in **Annex D** for reference.

- 1.3. Your subsequent email request for an internal review was received on 21 May 2020 setting out the grounds for appeal as follows:

"I am writing to request an internal review of London Legacy Development Corporation's handling of my FOI request "Radical Seating Review Report "".

I ask for LLDC to review their usage of s43.2 with regards to this FOI request.”

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.
- 2.3. The Panel only reviewed the redactions that were made under section 43(2) – commercial interests. The section 40 redactions were not reviewed. The Panel undertook a full review of the redactions applied under section 43(2) - commercial interests, taking an independent view on whether the redacted information met the prejudice test set out in the Freedom of Information Act.
- 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 general challenge, 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 the original response should be released. The schedule of redactions is attached in **Annex C** and identifies the original redactions and the revised review findings.
- 2.7. The original annexes have been revised to reflect the new information releases and are attached in **Annex A** and **Annex B**.
- 2.8. 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 because it would be likely to impact on current and future business strategies and future procurement activity, 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 original 19-071 Annexes be released with the removal of some redactions. These are attached in **Annex A** and **Annex B**.
- 3.2. A redaction schedule showing the release or partial release of information is attached in **Annex C**.

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

Deputy Chief Executive
London Legacy Development Corporation