



20 January 2020

INFORMATION REQUEST REFERENCE 19-073

Dear 

Thank you for your information request, received on 13 November 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 see 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 3rd May 2019."

I can confirm that the Legacy Corporation hold information relevant to your request.

Details for the meetings held with MSG are attached in **Annex A**.

Emails received from and sent to the email domain *@msg.com between 3 May 2019 and 13 November 2019 are attached in **Annex B**.

Please note:

- There is a degree of repetition within these requests where email correspondence has diverged at some stage during the email chain.
- All links within the emails have been deactivated. Any email attachments relevant to your request have been inserted behind the specific email.
- Any information, including attachments, that is not relevant to your request, has been extracted from the email correspondence.
- Any attachments with the file extension *.png are just QEOP logos, and other images that are automatically linked to the email. These have not been included.

Please be advised that personal information in **Annex B** has been redacted under s.40 – personal information.

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. Phone numbers have also been redacted.

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.

Please be advised that exemptions have been applied to specific pages as detailed below:

Page 43: The attachment has been withheld under FOI exemption s.21 - Information accessible to applicant by other means.

Section 21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

The attachment relates to FOI request reference 19-022 which is published on our website: <https://www.queenelizabetholympicpark.co.uk/our-story/the-legacy-corporation/good-governance/publication-scheme/disclosure-log/2019-foi>

Page 59: The banking information has been redacted under FOIA exemption s.31(1)(a) – prevention of crime.

Section 31 - Law enforcement.

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime

The section 31 exemption 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 the prevention of crime. 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 have assessed the impact of releasing the bank details and consider that the public interest would not benefit from this information being released into the public domain. While appropriate checks are in place, releasing the bank details into the public domain would be likely to weaken the system around financial security and therefore prejudice the prevention of crime. It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

Pages 156, 161, 162 & 164: Information has been redacted under FOIA s.43(2) – commercial interests.

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 Legacy Corporation is currently engaged in a negotiation in relation to this information and releasing the redacted information would be likely to harm the integrity of the current negotiations.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of this information identified as commercially sensitive would be likely to prejudice the commercial interests of the Legacy Corporation because it will reveal details which would impact on the current negotiations and this would impact on the Legacy Corporation's ability to get best value for the public purse.

It is the view of the Legacy Corporation that 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