



2 April 2020

INFORMATION REQUEST REFERENCE 20-008

Dear 

Thank you for your information request, received on 20 February 2020. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

"In a letter dated 18th February and signed by Jason Eglash, London Stadium 185 Ltd Safety Officer, and sent to a Mr Cameron Robson, reference is made to the following:

"A memorandum of Understanding for the Management of Stadium Banning Protocols between West Ham United (the concessionaire) and London Stadium 185 Ltd (the operator of London Stadium)"

Please can I be provided with this memorandum of Understanding for the Management of Stadium Banning Protocols between West Han United (the concessionaire) and London Stadium 185 Ltd (the operator of London Stadium)."

I can confirm that the Legacy Corporation holds information relevant to your request. Please find attached in **Annex A** the current version of the "Memorandum of Understanding for the Management of Stadium Banning Protocols, a joint protocol between West Ham United and London Stadium 185 Ltd".

Please be advised that information has been redacted under FOIA section 31 – prevention of crime and section 40 – personal information.

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.

Prejudice to the prevention of crime

The Legacy Corporation has assessed the impact of releasing the information withheld under the exemption s.31(1)(a) – prevention of crime in order to decide whether disclosure would, or would be likely to, prejudice the prevention of crime. We have concluded that prejudice to the prevention of crime would be caused by disclosing this information so the exemption is engaged.

Given the nature of the information requested, releasing the Banning Protocols report will make public information that could compromise the safe running of the football matches at the London Stadium as it details the specific steps that the security teams and the Police would take in dealing with incidents.

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 requested, currently withheld under s.31(1)(a) and identified as prejudice to the prevention of crime would be likely to prejudice the security of the football matches held at the Stadium.

It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

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.

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