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London
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28 January 2021

INTERNAL REVIEW - REFERENCE 20-026

Dear 

We refer to your email of 1 November 2020 where you requested an internal review under the Environmental Information Regulations 2004 (EIR) 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 20-026) was received on 16 September 2020 and requested that the Legacy Corporation provide information under EIR in response to a series of questions as set out below:

"In light of the recent report in Inside Housing, see attached article <https://www.insidehousing.co.uk/news/news/grenfell-style-cladding-yet-to-be-stripped-from-11-blocks-in-former-olympic-athletes-village-67760>, I would like to make an Environmental Information Request to discover the present position regarding the status of cladding in East Village and at Chobham Manor and other sites on the Olympic Park, any tests and findings since June 2017 when I previously asked (see attached documents), any actions that have been taken since then or

are now planned, and what further precautions, such as the use of fire suppression systems, are now being taken.”

- 1.2. The request included the Legacy Corporation response reference 17-039. This has been attached in **Annex A** for reference. The Inside Housing article has been attached in **Annex B** for reference.
- 1.3. A response was sent on 26 October 2020. This has been attached in **Annex C** for reference.
- 1.4. Your subsequent email request for an internal review was received on 1 November 2020 setting out the grounds for appeal as follows:

“Thank you for your response. I would like to ask for a review. The fact that the LLDC is not directly responsible for East Village does not preclude it holding information on the site. It held information on the earlier occasion when it was in the same position as it is in now and it remains the planning authority so still has responsibilities for the area and will be receiving information on what is happening in that capacity. I would therefore renew my request for all reports relating to cladding and fire safety since the previous information was provided.”

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. The Internal Review Panel (the Panel) checked the previous response 17-039 mentioned in your 20-026 request and attached in **Annex A** for reference. This response did not provide any information in relation to East Village cladding or fire safety. The Panel could not find any support to the statement in your internal review request that *“It [LLDC] held information on the earlier occasion when it was in the same position as it is in now.”* Further information is required in order for the Legacy Corporation to identify what this refers to, and therefore this comment will not be progressed further.
- 2.3. The Panel noted that the original response should have made reference to information that is available on the planning register. Any planning application received by the Legacy Corporation as the Local Planning Authority, including those related to cladding proposals for property in East Village and Chobham Manor, will be publicly available on our Planning Register. You will find any such planning applications by doing a search of our web [APAS database](#), by inserting your chosen key word(s) in the ‘Proposal Description’ field’.
- 2.4. The Panel reviewed the approach used to gather information in the original response. In order to obtain the information requested, the main areas considered to be responsible for the information requested were contacted and the information requested from them. The response was based on the information provided by these areas.

- 2.5. The Panel believe that, in addition to contacting the main areas, the original response should have also undertaken searches of the information held electronically by the Legacy Corporation. Therefore, in relation to this internal review request, the Panel undertook a search of the fileserver using the search term “cladding”. Over 1,900 items were identified with the term “Cladding” in the naming convention.
- 2.6. This search would not have covered those files held about cladding where this term was not included in the file name. In addition, while using the search terms “cladding” and “fire safety” in combination would have focussed the search results, it would have potentially excluded a lot of possibly relevant information where “fire safety” was just an aspect of the information in the report and was therefore not included in the file name.
- 2.7. The Panel believes that additional searches on the fileserver for files where the content contains these search terms as well as searches on the email archive should also have been undertaken. All of these items would have needed to be reviewed in order to identify if they were relevant to the information requested.
- 2.8. While the Panel believe that the searches of the electronically held information set out above should have been undertaken for the initial request, given the quantity of results that would have been identified by the different searches, it would have taken an excessive amount of time in order to identify if the individual results were relevant to the request, therefore the Panel believe that the original response would have included a refusal on the basis of being considered manifestly unreasonable.
- 2.9. The Panel believes that undertaking the searches for this internal review would take an excessive amount of time and resources and is therefore refusing this request on the basis that it is considered manifestly unreasonable.
- 2.10. *EIR regulation 12(4)(b) – manifestly unreasonable*
12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—
(b) the request for information is manifestly unreasonable;

While there are no appropriate costs limit under the EIR, the exception at regulation 12(4)(b) of the EIR can apply if the cost or burden of dealing with a request is too great.

In assessing the cost or burden of dealing with a request, public authorities need to consider the proportionality of the costs involved and decide whether they are clearly or obviously unreasonable.

The Legacy Corporation is not a large organisation and the time and resources taken to answer the questions as above would have a considerable impact on those resources.

2.11. The Legacy Corporation have considered the public interest in respect to their decision and appreciate that they also must balance public interest with the effective, efficient and economic use of the resources that they have responsibility for as a public authority. In this instance, the Legacy Corporation cannot justify the disproportionate burden this request would place on the Legacy Corporation's limited resources or the impact it would have on delivery of its other responsibilities. While there is a presumption in favour of disclosure under EIR, responding to this request would place unreasonable demands on our resources and for this reason, the Legacy Corporation consider your request to be manifestly unreasonable under regulation 12(4)(b) of the EIR.

2.12. The Panel recommend that for future requests of this nature searches should be undertaken across the electronic information held by the Legacy Corporation. The results of those searches will dictate the responses provided but they should be run in the first place.

3. Panel Recommendations:

3.1. The Panel recommend that, where requests are received for reports and other specific information held, searches are undertaken on the electronically held information by the Legacy Corporation, and where relevant identify what information is available on the planning register.

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