



23 December 2020

INFORMATION REQUEST REFERENCE 20-033

Dear 

Thank you for your information request, received on 10 November 2020. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Environmental Information Regulations 2004 (EIR):

"I herby request all information relating to the delay in completing and opening the underpass in Hackney wick overground station.

All information regarding the likely or estimated completion date."

I can confirm that the Legacy Corporation holds information which falls within the scope of your request, please be advised that given the broad nature of the request, the Legacy Corporation are refusing your request on the basis of EIR regulation 12(4)(b) manifestly unreasonable.

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.

You have requested "*all information relating to the delay in completing and opening the underpass in Hackney wick overground station*" and "*all information regarding the likely or estimated completion date.*"

In order to find the information requested, searches would need to be run on the Legacy Corporation email archive and the Legacy Corporation filestore for each of the following terms: Hackney Wick, Overground station, underpass, completion date, delays.

All of the information resulting from these searches would need to be extracted and then reviewed in order to try to identify if the information is relevant to your request.

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.

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.

However, please be advised that papers in relation to the Hackney Wick Station underpass have been presented to our Executive Management Team (EMT) which give summaries of the situation. These have been attached as below:

Annex A – 29 January 2018
Annex B – 25 February 2019
Annex C – 30 September 2019

Please be advised that information has been redacted under EIR reg 12(5)(e) – commercial information and EIR reg 13 – personal data.

Regulation 12(5)(e) – commercial information

(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;

The Legacy Corporation has considered the public interest in deciding whether to disclose the redacted information. The information currently redacted relates to ongoing negotiations and current disputes. Releasing this information at this time would prejudice the outcome of these issues.

The public interest would not benefit from the information being released at this time and therefore the Legacy Corporation is withholding specific information within the papers as we consider it would be commercial information under the exception reg. 12(5)(e) as defined above. At this time, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Regulation 13 – personal data

(1) To the extent that the information requested includes personal data of which the applicant is not the data subject, a public authority must not disclose the personal data if—

*(a) the first condition is satisfied, or
(b) the second or third condition is satisfied and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.
(2A) The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations—
(a) would contravene any of the data protection principles*

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 and the information is not already in the public domain. Phone numbers have also been redacted.

In this instance, the relevant condition that applies is Regulation 13(1)(a), whereby the information is defined as personal data within Section 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