

Luke James  
lukealec james1@gmail.com

28 April 2022

**INFORMATION REQUEST REFERENCE 22-001**

Dear Mr James

Thank you for your information request, received on 4 January 2022. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“Please may you provide me with:*

- *A complete security incident log relating to West Ham United FC (WHUFC) matchdays from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.*
- *A complete log of security costs relating to WHUFC matchdays from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.*
- *A complete log of WHUFC matchday expenditure from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.*
- *A complete log of WHUFC matchday income from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.*

*Please provide the requested information as an Excel spreadsheet(s).*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below. Our response follows your order:

Q1. A complete security incident log relating to West Ham United FC (WHUFC) matchdays from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.

The Legacy Corporation is refusing this request under the following FOIA exemptions:  
Section 31 – law enforcement and Section 40 – personal data.

**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, namely detailed information in relation to all of the WHUFC related security incidents between 1 July 2016 and 24 May 2021 and consider that the public interest in this particular information would not benefit from being released into the public domain. The security of the London Stadium would be jeopardised, and the prevention of crime would be prejudiced. We have concluded that prejudice to the prevention of crime would be caused by disclosing this information, so the exemption is engaged.

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 London Stadium because it will reveal details of the sensitive security arrangements and operations.

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.*

The reports of security incidents contain personal and sensitive personal data. 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.

Q2. A complete log of security costs relating to WHUFC matchdays from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.

The Legacy Corporation is refusing this request under the following FOIA exemption:  
Section 43 – 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.

In accordance with the statutory Code of Practice issued by the Information Commissioner's Office, as part of the public interest assessment, the Legacy Corporation contacts third parties referenced in the information, to give them the opportunity to provide examples of any harm from their perspective that there may be from releasing the information. Under FOIA, the Legacy Corporation cannot assume what information might be exempt, and therefore any third party that may be affected by disclosure is asked to provide details of the harm that releasing the information would have on its commercial interests. The Legacy Corporation take the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process LS185 were contacted for their views.

Prejudice to commercial interests

The Legacy Corporation and LS185 have 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 disclosing the security costs to competitors and future users so that the exemption is engaged.

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 would be likely to prejudice commercial interests of E20, the Legacy Corporation and LS185 because it will reveal details of financial information and future plans which would be likely to impact on current 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.

By releasing the financial information relating to security costs we would provide a benchmark for other potential users of the Stadium as well as all competitors and create a

precedent for future events. This would harm LS185's ability to maximise income from future events and this would be detrimental to the income generated on behalf of the taxpayer.

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

Q3. A complete log of WHUFC matchday expenditure from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.

WHUFC matchday expenditure for Season 2016/17 to up to 24/05/2021 is attached in **Annex A** as a spreadsheet.

Q4. A complete log of WHUFC matchday income from 01/07/16 to 24/05/21, broken down per WHUFC matchday and football season.

The Legacy Corporation do not hold WHUFC income broken down by matchday and football season. Please find attached in **Annex B** a spreadsheet of the income from WHU between the dates requested by quarter.

---

If you are unhappy with our response to your request and wish to make a request for an internal review of our response, 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](mailto:FOI@londonlegacy.co.uk)

Please note: requests for internal reviews received more than forty working days 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](http://www.ico.gov.uk)

Yours sincerely

FOI / EIR Co-ordinator  
London Legacy Development Corporation