

Jonathan Rothwell  
request-847610-ed9a4d2b@whatdotheyknow.com

16 May 2022

**INFORMATION REQUEST REFERENCE 22-007**

Dear Jonathan

Thank you for your information request, received on 28 March 2022. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*“Under the Freedom of Information Act 2000, please give me all records you have relating to breakdowns and periods out of service for the lift at the Wallis Road bridge (I believe this is bridge H10). Specifically:*

- 1. When has it broken down*
- 2. In each case, what was the nature of the failure*
- 3. In each case, how long was the lift out of service*
- 4. If you hold this information: how much it cost to repair, who paid for it, and how (is there a maintenance contract, are call-out/parts fees payable, if so is it LLDC or Hackney Council who is liable, etc)*

*I would like these records for the entire period you hold them—so see no reason why this would not be all records from the bridge’s opening in 2013 to today.”*

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 and our response follows your order:

**Question 1: When has it broken down.**

Please see attached **Annex A** which has a list of each time the lift has been reported out of service. Please note, we can only provide data from 29 November 2017 through to the time of your request as data prior to this was mostly recorded in hard copy prior to an IT system change. Therefore, due to the time and cost it would take to identify, locate and retrieve the information prior to November 2017, we are refusing part of this request under section 12 of the Freedom of Information Act.

**s.12 - Exemption where cost of compliance exceeds appropriate limit.**

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*

The Legacy Corporation has estimated that the resources that would be required to identify, locate, retrieve, and extract this information would far exceed the appropriate limit.

The appropriate limit is £450, calculated as 18 hours at the rate of £25 per hour, however, only the time taken to;

- a. establishing if the information is held;
- b. locating the information;
- c. retrieving the information; and
- d. extracting the information;

can be taken into consideration when calculating the estimated costs of answering the request. As there would be 4 years of hard copy records to locate and review, it is estimated that it would take over 18 hours to undertake this task.

**Question 2: In each case, what was the nature of the failure.**

Please see **Annex A** which sets out the causes for each reported breakdown from 29 November 2017 through to the time of your request.

**Question 3: In each case, how long was the lift out of service.**

Please see **Annex A** which sets out the duration the lift was out of service during each reported breakdown from 29 November 2017 through to the time of your request.

**Question 4: If you hold this information: how much it cost to repair, who paid for it, and how (is there a maintenance contract, are call-out/parts fees payable, if so is it LLDC or Hackney Council who is liable, etc).**

We have provided the answers to your sub questions below.

**Question 4a: how much it cost to repair.**

The Legacy Corporation is at the early stages of the re-tendering process for the Estates and Facilities Management services contract. Therefore, the Legacy Corporation is withholding this information under section 43(2) – commercial information.

**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 takes the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process Equans, the Estates and Facilities Management services provider for the Queen Elizabeth Olympic Park were contacted for their views.

#### Prejudice to commercial interests

The Legacy Corporation has assessed the impact of releasing the information withheld 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). As noted above, the Legacy Corporation is at the early stages of the re-tendering process for the Estates and Facilities Management services contract. It has concluded that prejudice to the commercial interests would be caused by disclosure so that the exemption is engaged as releasing the information requested at this time would be likely to prejudice the procurement exercise and impact on the impartiality and effectiveness of this exercise.

#### Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of information would likely impact on the ability for the Legacy Corporation to get best value for the public purse when procuring the Estates and Facilities Management services contract. 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.

#### **Question 4b: Who paid for it.**

The Legacy Corporation and Equans as per the terms of the Estates and Facilities Management (EFM) contract.

#### **Question 4c: Is there a maintenance contract, are call-out/parts fees payable.**

Equans are appointed by the Legacy Corporation under a fixed term EFM contract. As part of this EFM Contract, Equans are responsible for appointing as many specialist subcontractors as required to maintain the different assets. Liftec are the specialist subcontractors for passenger lifts' maintenance. Call-out fees are included in the baseline fees paid by the Legacy Corporation to Equans.

#### **Question 4d: Is it LLDC or Hackney Council who is liable [for call-out/parts fees payable]**

The Legacy Corporation is liable as per the terms of the EFM services contract.

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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  
Floor 9  
5 Endeavour Square  
Stratford  
E20 1JN

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