



Our ref: APP0021 (EN00308)
Your ref: Ms H Brooke

Ms Brooke
Sent by e-mail to: request-11838-09b0a903@whatdotheyknow.com

1 July 2009



Dear Ms Brooke

Freedom of Information Act Review – APP00021 (EN00308)

I am in receipt of your email dated 8 June 2009 requesting a review further to the ODA handling of your Freedom of Information Act (FOIA) request dated 8 June 2009 for information from the Olympic Delivery Authority (ODA) relating to legal action suggested and/or brought by the ODA and the settlement of those issues.

The nature of your review is as follows:

1. You have expressed disbelief that the ODA holds no records of any legal action suggested or brought by the ODA, suggesting that the ODA has deliberately construed your request in such a way to result in a negative answer to your request.
2. That the ODA failed in its obligation under Section 16 of the FOIA to advise you as to what organisation may hold the relevant information if it is not held by the ODA.

After consideration of the request and the ODA's response, I have conducted an independent internal review of your request and have set out my findings below.



MAYOR OF LONDON

I do not agree that the ODA's response was construed in such a way as to ensure that the ODA concluded that we did not hold the information requested. Having read your initial request, I note the ambiguity of the request referred to in the ODA's response and that the ODA attempted to assist as best possible by providing a response that covers both alternative interpretations of your request: It confirmed that the ODA did not hold information "*about legal action suggested by the ODA legal team to any outside party*" nor did the ODA hold information "*about legal action suggested by the ODA's legal team against any outside party or parties.*"

I would however wish to confirm that the ODA has not suggested or threatened legal action against any party or parties and therefore do not have any information of such description. I can also confirm that if the ODA did hold such information it would not be held on behalf of another party and we would not refer you to another organisation to obtain the information.

I note that you have consulted the London 2012 website and have provided a link and quotation from the "Our Brand" section of the website. You would be aware from earlier dealings with the ODA that the London 2012 website is not solely an ODA website. It is a website shared between the ODA and the London Organising Committee for the Olympic Games and Paralympic Games Limited (LOCOG), and this is explained in the section "The People Delivering the Games" on the "About Us" page of the website. The specific section to which you refer is at www.london2012.com/about/our-brand/using-the-brand.php and relates to the responsibilities of LOCOG, not the ODA. The specific section you refer to reads:

"The London 2012 Organising Committee is obliged to protect the Games' Marks in order to raise the funds needed to host the 2012 Games. Unauthorised use of the Games' Marks is against the law. **The London 2012 Organising Committee** expects that everyone will refrain from unauthorised use of the Games' Marks. If necessary, however, **the London 2012 Organising Committee** is prepared to take legal action to protect the Games' Marks. This could include court orders for the seizure of unauthorized merchandise and the payment of compensation." (Our emphasis.)

Clearly, this section of the website deals specifically with LOCOG's primary responsibility in relation to brand protection. It does not refer to the ODA, and that is because the ODA is not primarily charged with the responsibility of enforcing Games brand protection under the London Olympic Games and Paralympic Games Act 2006 or the Olympic Symbol (Protection) Act 1995 as amended.

In view of the above explanation and ODA's helpful interpretation of an ambiguous request, the suggestion that ODA has wilfully obstructed access to information is rejected.

If you are not satisfied with this response you may as you know apply directly to the Information Commissioner for a decision. The Information Commissioner can be contact at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Hone', written in a cursive style.

Dennis Hone
Director of Finance and Corporate Services
Olympic Delivery Authority