



Our ref: APP0018  
Your ref: Mr N Hood

Mr Hood  
Sent by e-mail to: [request-7515-0194d3da@whatdotheyknow.com](mailto:request-7515-0194d3da@whatdotheyknow.com)

16 April 2009



Dear Mr Hood

### **Environmental Information Regulations Review – APP00018**

I am in receipt of your email dated 18 March 2009 requesting a review of the ODA's response to your request dated 1 February 2009 for PM10 data from the Olympic Park.

The nature of your appeal is twofold:

1. The ODA did not provide you with the information for the month you requested, namely January, but the information for November which was the latest report that we had at the time.
2. The ODA did not provide you with the data on the 9 individual points

I have reviewed the information we have provided to you, namely the November 2008 Olympic Park Dust and PM10 Monthly Monitoring Report.

I appreciate you may be disappointed by the apparent delay between the production of reports but it is important to consider the purpose of the monitoring that we do and the report we produce which is to assess the impact of our construction works on air quality. Unlike the London Air Quality Network (LAQN), there is no obligation on the ODA to monitor the air and dust particles



department for  
culture, media  
and sport



**MAYOR OF LONDON**

in east London in general. Nor is the environmental monitoring conducted to ensure east London's compliance with any regional, national or European commitments with regard to environmental standards, unlike the readings of the LAQN. The ODA's obligations derive from planning conditions for the purpose of understanding the effects of the ODA's construction works on the Olympic Park and, where necessary, taking the required steps to implement mitigation measures. In order for the ODA to achieve this purpose, it is important and indeed necessary to interpret the data retrieved from our monitoring points. Without the interpretation of the information, we cannot fully understand the impact of our works and understand when particulates (e.g. fine & coarse dust) are not derived from works on the Olympic Park. In essence, the raw data without its interpretation is meaningless to the ODA and would not be sufficient to achieve the purpose for which the monitoring has been implemented. To provide the data without the necessary explanation would, if taken out of context and without explanation, be misleading and not necessarily indicative of the ODA works exclusive of any other dust and particulate matter from outside the Olympic Park. In addition, I would like to inform you that the reports are provided to the Environmental Health Officers (EHO) of the 4 boroughs adjacent to the Olympic Park to show them the PM10 and dust readings and any exceedences for the month while providing all the necessary information to understand the prevailing environmental factors which may have contributed towards any exceedences and any measures taken by the ODA to mitigate any exceedences. It should also be noted that the form and content has been agreed with the EHOs.

I believe that the ODA has correctly applied the exception in EIR 12(4)(d) in withholding information relating to the month of January because at the time of your request on 1st February 2009 the relevant data was incomplete. It is important to note that the ODA has not refused to disclose any of the relevant information to you, but rather we are withholding disclosure of information relevant to the report until the report itself has been ratified and finalised. We consider that premature disclosure of underlying data prior to the preparation and approval of the report would not be in the public interest as it may cause confusion and/or mislead the public (for instance in the November reports, the data for November 5th was influenced by the fireworks let off in the area that night and at other times the monitors were not functioning and therefore no readings were taken). In the circumstances, and considering that the publication of the reports (once finalised and approved) meets public interest requirements, we consider that the public interest in maintaining the exception outweighs the public interest in disclosure of the reports in an incomplete or unfinalised form.

I have questioned our Environment team about whether we can improve on the time delay between month end and report production, and they are hoping to improve turn around times from around 3-4 months to 1 month. In the meantime, I am pleased to be able to enclose the December 2008 report. It is important to note that there is a lot of work involved in the data

validation and interpretation, but our Environment team will endeavour to achieve the shorter timeframe going forward. We will provide the January report to you as soon as it has been completed.

I note you compare the ODA unfavourably with the LAQN who you say publishes data as quickly as 2 days after its collection but again I would draw your attention to the purpose for which the ODA is collecting and using the data, compared to the purpose for the LAQN data collection. In addition, the ODA does not have the time or budget to replicate what the LAQN does. The ODA is a temporary Non-Departmental public body charged with the construction of venues, facilities and infrastructure for the London 2012 Olympic and Paralympic Games. The ODA is not charged with the primary responsibility for monitoring air quality in east London. I would also point out that the LAQN data is unratified and that they only produce their interpretative reports of ratified data on an annual basis (compared to the ODA's monthly reports). In addition, the LAQN report is not available until more than a year after the data has been collected, compared to the ODA's monthly ratified reports which are currently available 3-4 months after the reporting month (which, as stated above, the ODA is aiming to improve).

The second part of your complaint relates to the ODA's failure to provide you with the data on the 9 individual points. I note your original request asked for the information in both tabular and graphical format. You will be aware that in the November report provided to you, the monitor readings are indeed provided in graphical format. We do not provide the figures behind the graphs in our reports, since as we continuously monitor at 15 minute intervals throughout the day the data would form a voluminous and, to the general public, meaningless appendix. The form of the report has been approved by the EHOs who have agreed not to include the underlying data in tabular format. The graphs show both when we have exceeded the 15 minute threshold and the daily mean threshold.

It may be argued that, once a monthly report has been finalised, it is less likely that disclosure of the underlying data (in any format) will be misinterpreted because the data, read with the report, will give a true and accurate understanding of the effect of the ODA construction works on the surrounding areas. However, to require the ODA to provide individual items of datum in tabulated format in addition to providing the interpretative reports which already contain graphical and tabulated summaries of the data, would in our view be manifestly unreasonable. To put this in context, the ODA collected over 96,000 individual items of datum across the 9 air quality monitors during January. To provide all of this information would place an unreasonable burden on the resources of the ODA. Each piece of information would have to be marked with an appropriate warning regarding its nature and that it is to be read in the context of the relevant report, and then scanned for security reasons (to avoid potentially misleading manipulation or reproduction of the data by third parties in other graphs or tables without the necessary expert

interpretation of air quality specialists, and without the wider context of non-Olympic Park sources e.g. A12 traffic, local industries, and regional pollution episodes). These measures would be extensive and would take a considerable amount of time to implement. We therefore consider that a request for the data in specific tabular form is unreasonable, especially since the reports already interpret and provide reference to the graphical and tabulated summaries of the data. In light of the disclosure of the reports, the extent to which they already meet public interest requirements, and the extent of resources that would have to be diverted to meet the demands of your request, in all the circumstances of the case we are of the view that the public interest in maintaining this exception outweighs the public interest in disclosing the information in the format requested. We are therefore not disclosing this information on the basis that the exception in EIR 12(4)(b) applies, to the extent that the request for information in respect of the PM10 data from each of the 9 named monitoring stations is manifestly unreasonable.

We hope that you find this review decision helpful to understand the ODA's position in relation to the information which you have requested. However if you are not content with the outcome of this internal review, you may wish to contact The Information Commissioner in order to appeal our decision. The Information Commissioner can be contacted at the following address: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

  
**Celia Carlisle**  
Head of Legal  
Olympic Delivery Authority