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London  
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A Walker  
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15 October 2015

**INFORMATION REQUEST REFERENCE 15-061**

Dear Sir / Madam,

Thank you for your information request, received on 18 September 2015. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

*"Please can you provide copies of all correspondence between the LLDC and the European Commission (EC) in relation to the concessionaire agreement with West Ham United. Please confirmation and correspondence of when the EC was given full sight of the contract and when written confirmation was received from the EC that there was 'No Case to Answer'. "*

All official discussions with the Commission in relation to the West Ham Concession agreement were dealt with via the Department for Business, Innovation and Skills (BIS), however a search was undertaken of the Legacy Corporation email system which holds an archive of all emails sent and received from 23 June 2012 to date. The search looked for all emails with the extension "@ec.europa.eu". The search results were then reviewed to identify which emails were between Legacy Corporation and European Commission and related to the West Ham United Concession Agreement. The relevant email requested details of EC statement and this correspondence has been attached in Annex A.

A search was also undertaken across the fileserver for the term "European commission". No results were found that were relevant to your request. No search was undertaken on the term "EC" as the term was too general for the IT system to provide sufficiently focused results.

The personal information in the emails in Annex A has been redacted under Section 40(2) of the FOIA. It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

**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 do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998 (DPA), that the disclosure of the information to a member of the public otherwise than under this Act would contravene—

(i) any of the data protection principles,

Under the DPA, the first data protection principle states that

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

The first condition of schedule 2 of DPA

1 The data subject has given his consent to the processing.

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 Section 1(1)(a) of the Data Protection Act 1998. The redacted information includes the name, and phone numbers of the email correspondents. As we have not received consent of the data subjects, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

If you are unhappy with our response to your request and wish to make a complaint or request a review of our decision, you should write to:

Executive Director of Finance and Corporate Services  
London Legacy Development Corporation  
Level 10  
1 Stratford Place  
Montfichet Road  
London  
E20 1EJ

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](http://www.ico.gov.uk)

Yours sincerely

Rachael Clauson  
FOI / EIR Co-ordinator  
London Legacy Development Corporation