

# GREATER LONDON AUTHORITY

By email

Our Ref: MGLA140518-1933

11 June 2018

Dear

Thank you for your request for information which the GLA received on 11 May 2018. Part of your request has been handled under the terms of the Freedom of Information Act 2000.

You requested

*I am working on an MA and investigating Michael Rakowitz' The Invisible Enemy Should Not Exist, currently on the Fourth Plinth.*

*I am gathering information and would be grateful if you could supply me with any of the following:*

- A copy of the brief given to the artists
- An overview of the selection process
- an indication of why Michael Rakowitz was successful

Please find attached the information that we hold within the scope of your request – a copy of the brief given to the artists. We have redacted some information under Section 31(1)(a) – prevention or detection of crime alongside Section 24 – national security. We also considered Section 38(1)(b) – endangering the safety of any individual. Please see the attached annex for information about how these exemptions have been engaged.

To answer your other questions:

1. An overview of the selection process:

The attached brief also outlines the selection process for the commissions. However, briefly; the Fourth Plinth Commissioning Group and a range of international nominators (comprising: artists, arts professionals, writers and broadcasters) recommend a long list of artists. The artists on this long list are invited to make a proposal. The Commissioning Group review all the proposals over, a number of meetings and select up to six proposals for further development and a feasibility study. Models of the shortlisted sculptures are then displayed publicly. The Fourth Plinth Commissioning Group will then take a final decision on two winning works, taking into consideration the public's responses to the proposals.

2. An indication of why Michael Rakowitz was successful:

When selecting works for display on the Plinth the Commissioning Group considers the conceptual, aesthetic and practical aspects of all the sculptures. Michael Rakowitz's proposal responded directly to the architecture of Trafalgar Square and its surrounding. The sculpture was visually striking, and the story behind the work give the sculpture depth and a richness that would help sustain the public's interest over the two years it is in place. The feasibility study of the sculpture also gave confidence that the work could be fabricated within budget and to the required timescale. It was also evident the work would not deteriorate over time and would not damage the fabric of the Plinth (which is a listed site).

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA140518-1933.

Yours sincerely

**Ruth Phillips**  
**Information Governance Officer**

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

## Annex

### Exemptions

#### **Section 24 – national security**

*Section 24(1) provides that information is exempt if exemption from section 1(1)(b) is required for the purposes of safeguarding national security.*

#### **Section 31(1)(a) – the prevention or detection of crime**

*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 – the prevention or detection of crime*

#### **Section 38(1)(b) – endangering the safety of any individual**

*Information is exempt information if its disclosure under this Act would, or would be likely to – (b) endanger the safety of any individual.*

### **The redacted information is described below:**

- Detailed engineers drawing showing plans of the Fourth Plinth's structure and supports

### **How the exemptions apply to this information**

Section 24(1) allows a public authority not to disclose information if it considers releasing the information would make the UK or its citizens more vulnerable to a national security threat.

The GLA also notes the relevance of the following paragraphs from the ICO's guidance on section 24 of the Act:

*(13) Safeguarding national security also includes protecting potential targets even if there is no evidence that an attack is imminent.*

*(14) The Commissioner also recognises terrorists can be highly motivated and may go to great lengths to gather intelligence. This means there may be grounds for withholding what seems harmless information on the basis that it may assist terrorists when pieced together with other information they may obtain.*

Section 31(1)(a) covers all aspects of the prevention and detection of crime and can apply to information on general policies and methods adopted by law enforcement agencies. Section 31(1)(a) of the Act is engaged because the release of this information would, or would be likely to, prejudice the prevention or detection of crime. The provisions of section 24(1) and Section 31(1)(a) of the Act are engaged by information in the brief which could be used by those intent on committing criminal acts to harm the public or damage the artwork, the infrastructure of the plinth and the Square.

The terrorist attacks in London, Paris and across Europe in the past two years highlight the heightened risk to the public and crowds at high profile areas of major cities such as London.

We note the ICO has acknowledged the link between national security, counter terrorism activities and potential acts of terrorism. We believe the location is a realistic high-profile target for potential acts of terrorism at an iconic location. The exempt information is therefore required

for the purposes of safeguarding national security to the extent it could be used to aid the commission of an act of terrorism.

*Section 38(1)(b) of the Act is engaged as because of the potential risk to public safety as set out above.*

## **Public interest test**

### **Considerations favouring disclosure**

There is public interest in the use of the Fourth plinth as a public space and in releasing information to the public about the project.

- The scale of the funding merits a high level of public scrutiny of the project.
- Information released about robust safety and security considerations relating to the structure and works would reassure the public
- The GLA is also mindful of the assumption in favour of disclosure in 2(2)(b) the FOIA.

### **Considerations favouring non-disclosure**

- Conversely the disclosure of this same information would increase the risk of criminal activity, violent crime, or other incidents at an event if made public and seen by those intent on causing harm. It is not in the public interest to release information that could be directly used to harm or plan harm to the public
- The redactions we made remove only the most sensitive information where it is felt there is a strong link to prejudicial or harmful effects occurring.
- The redacted information is not key to understanding the artists' brief

We have determined that safeguarding national security interests, avoiding prejudice to policing operations to prevent and detect crime, and protecting the safety of the public attending the event is of paramount importance.

The public interest favours maintaining the exemption provisions of s.24(1), s.31(1)(a) and s.38(1)(b) in relation the redacted and withheld information.