

# GREATERLONDONAUTHORITY

██████████  
(By email)

Our Ref: MGLA310117-1195

28 February 2016

Dear ██████████

Thank you for your further request for information which the GLA received on 31 January 2017. Your request has been dealt with under the Freedom of Information Act 2000.

Our response to your request is as follows:

*Under the Freedom of Information Act, please can you provide me with the following information?*

*Any correspondence (letters or emails) – between JULY 18, 2016 and JULY 31, 2016 – to or from the following individuals, that relates to the “Garden Bridge” and/or to the project’s “Operations and Maintenance Business Plan” (sometimes referred to as just “the Business Plan” or the “OMBP”).*

- *Mayor Sadiq Khan*
- *Martin Clarke*
- *David Bellamy*
- *Pierre Coinde*
- *Ed Williams*
- *Fiona-Fletcher Smith*

*Please include any correspondence between any of these individuals and officials at Transport for London in this period, insofar as it relates to this subject.*

Please find attached some of the information that you have requested. Unfortunately the information you requested is being withheld as it falls under the exception in Regulation 12 (5)(b) of the Environment Information Regulations. In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exception in full, as well as the factors the GLA considered when deciding where the public interest lay.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely

**Paul Robinson**  
**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>

<b>Exemption</b>
<b>Regulation 12(5)(b)</b> - The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature;
<b>How the exemption applies to this information</b>
<p><b>Regulation 12(5)(b)</b> provides an exception from the disclosure of environmental information which would adversely affect the course of justice. The definition of the course of justice is wide reaching and in relation to this request relates to material covered by legal professional privilege.</p> <p>In order for the exception to apply there must be evidence of identifiable harm or negative impact. In the case of privileged information there would need to be significant factors at play for there not to be an adverse effect. Public access to privileged information when negotiations are still 'live' would provide an indication of the arguments, strengths or weaknesses which the GLA and TfL might have, unbalancing the level playing field under which adversarial proceedings are meant to be carried out.</p>
<b>Public interest test (where applicable)</b>
<p>In relying on these EIR exception provisions under regulations, the GLA is required to balance the public interest in order to decide whether the information should be withheld.</p> <p>Under regulation 12(1)(b), the public authority can only withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. Furthermore, under regulation 12(2), it must apply a presumption in favour of disclosure.</p> <p>There is a strong public interest in the release of information that would inform and engage public debate on issues pertinent to the Garden Bridge. The release of the information covered by this exception would also therefore help reassure the public that we are considering the most appropriate options and advice regarding the project.</p> <p>There is a general public interest in transparency in relation to planning and development matters, particularly in the decision making behind, and progress of, developments of this size and impact. Disclosure of this information would enable the community affected by the development to understand more fully the decision making process.</p> <p>Furthermore, the public interest is served by the GLA being transparent and open to scrutiny to increase diligence.</p> <p>There is a strong public interest in favour of maintain the exception under 12(5)(b) for information which is legally privileged. The timing of the request in relation to the stage of negotiations surrounding the</p>

project and in addition to a review into the Garden Bridge project is a significant factor in deciding to maintain the exception.

The best interests of the public – i.e. the public interest – is best served by ensuring that public authorities continue to deliberate robustly and comprehensively, considering all options and their potential impacts, in order for the best possible decisions to be taken.