

GREATER LONDON AUTHORITY

[REDACTED]
[REDACTED]

Our Ref: MGLA060515-5011

1st July 2015

Dear [REDACTED]

Freedom of Information Request from Fiona Twycross AM – Southwark Fire Station

I write further to my letter of the 3rd June 2015 and in response to the letter of the 5th May 2015 from Fiona Twycross AM that asked for the release of the following information under the Freedom of Information Act:

‘..all correspondence (i.e. emails and letters) and details of meeting between [Boris] and/or [his] office with:

- 1. London Square*
- 2. Hadston Ltd*
- 3. GL Hearn*

regarding the disposal of the former Southwark fire station’.

This request has been handled under the Freedom of Information Act (FoIA) and we can today provide our formal response to this request.

I can confirm that our searches have identified a limited amount of correspondence between the GLA and *Hadston Ltd* that was held at the time your request was received. Our searches did not identify any correspondence held at that time between the GLA and either *London Square* or *GL Hearn*.

Our searches focused on correspondence directly between the GLA and the specified parties and we have not included correspondence to third-parties where either the GLA or the specified parties were solely copied in.

We are able to release to you all of the information held by the GLA that is in-scope of the request. This information has been collated into the document accompanying this letter.

We have however made some minor redactions to this information to withhold a limited amount of information which was submitted in confidence and, if disclosed under this Act, would constitute an actionable breach of that confidence.

This information has been withheld under the exemption provisions under section 41(1) of the Act.

We have also redacted some personal data and contact information from the information being disclosed to you.

As you are aware, the FoI Act is applicant blind. Neither the GLA nor any other public authority subject to this Act can ask an applicant for proof of identity or ask why they want the information that has been requested. A response to one applicant would be the same to any other applicant who asked for that same information at that time. A response to a Freedom of Information Act request is therefore considered to be a release into the public domain, and not just a response to that applicant.

Section 41 applies to information covered by the request that would constitute an actionable breach of confidence if disclosed. The information in question has the necessary qualities of confidence in that it is neither trivial and is not readily accessible by other means, and was imparted in circumstances that imported an obligation of confidence. We have also considered that the disclosure of that information would constitute unauthorised use of that information that would be detrimental to the confider.

It is recognised that the preservation of confidence is an important matter and one in which there is an inherent public interest. As such, section 41 is an absolute exemption under the FOI Act and there is no requirement to conduct a public interest test. However, common law duty of confidence contains an inherent public interest test which we taken into consideration.

The common law duty of confidence contains an inherent public interest test which is the reverse of that normally applied under FoIA. This is because the FoIA public interest test for qualified exemptions assumes that information should be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure. However, the public interest test within the duty of confidence assumes that information should be withheld unless the public interest in disclosure outweighs the public interest in maintaining the duty of confidence.

Considerations that would outweigh this public interest in maintaining the duty of confidence would include where the disclosure would highlight any misconduct, wrongdoing or risks to the public; where it would promote openness and transparency; or where it would promote freedom of expression. In this case, we find that there is a greater public interest in maintain the common law duty of confidence.

I can also confirm that our searches have identified three meetings between GLA representatives and Hadston Ltd: the first was on the 12th February; the second on the 19th March 2015 with representatives from Southwark Council's planning and regeneration departments at the GLA; and the third on the 1st May 2015 with the Education Funding Agency at their offices. Our searches did not identify any minutes or notes relating to these meetings

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

Yours sincerely

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

Ian Lister
Information Governance Manager

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:

<http://www.london.gov.uk/mayor-assembly/gla/governing-organisation/freedom-information>.