

13 April 2022

Re: Freedom of Information request 202204- Request Part-Grant.

I refer to your request, originally dated and received on 14th of March 2022, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

- A. *Generic email format for staff.*
- B. *Staff contact details including phone numbers, email addresses and job title.*

I wish to inform you that I have decided to part-grant your request on the 13th April 2022.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decisions to deny access.

Details of your request were provided to the relevant sections within the LDA to identify records held which were within the scope of your request.

Part A

In relation to part A of your request *Generic email format for staff* there is no generic email format for staff. Therefore, I refuse your request in accordance with Section 15 (1) of the FOI Act 2014:

Refusal on administrative grounds to grant FOI requests

- 15(1) *A head to whom an FOI request is made may refuse to grant the request where*
- (a) *The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*

Part B

In relation to part B of your request *Staff contact details including phone numbers, email addresses and job title* I am part-granting your request.

Some records requested are attached to this decision letter for your information. It is my decision to only provide the names, sections and central phone number of current LDA's staff.

The reasons for this decision can be found below.

In light of the 2021 cyber-attack on the HSE, there is a clear high risk to the Irish state's IT infrastructure. The consequent financial and operational losses in the event of a cybercrime incident are immense.

The release of these records constitutes release to the world at large. It is not the LDA's view that the applicant/requestor would be engaged in the commission of an offence, however, the information would be readily available and accessible to the wider public.

In the ordinary course of events information pertaining to the LDA's staff is included as part of records released under FOI Act 2014. However, the mass release of these records increases the cybersecurity risk to the organisation. The records are, therefore, withheld as a preventative measure to phishing, malware, Business Email Compromise and similar cyber-attacks. Moreover, the release of these records in the requested form would be in contravention with several existing cybersecurity policies including the Cybersecurity Awareness & Training Policy, Cybersecurity Incident Management Policy, Anti-Malware Policy, and Technical Vulnerability Management Policy.

The release of job titles would allow for the mapping of the LDA corporate structure. This in turn would facilitate cybercriminals in the impersonation of the LDA's staff in electronic communication that could lead to further offences such as theft and fraud. The provision of names, job titles and email addresses of all staff would also enable spear-phishing (this is where an individual member of staff is targeted for a phishing attack).

The LDA's staff email and phone details are part of the IT security infrastructure and there is a significant security risk were they to be released to the wider public.

It is also unclear if all phone numbers recorded on the internal system are those issued by the LDA and so may comprise personal data.

I wish to inform you that I am refusing a number of records in accordance with Section 32 (1c), 37 (1) and 40 (1) of the FOI Act 2014. These records are included in the Schedule of Records in **Appendix 1**.

Section 32 Law enforcement and public safety

- (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—
 - (c) facilitate the commission of an offence.

Section 37-Personal Information

- (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

Personal information is defined at Section 2 of the FOI Act and includes the following:

Section 2 -- Interpretation

2. (1) In this Act-

"personal information" means information about an identifiable individual that, either-

- (a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*
- (b) is held by an FOI body on the understanding that it would be treated by that body as confidential,*

and, without prejudice to the generality of the foregoing, includes-

- (iii) information relating to the employment or employment history of the individual,*
- (v) information relating to the individual in a record falling within section 11(6)(a).*
- (vii) information relating to any criminal history of, or the commission or alleged commission of any offence by, the individual,*

Section 40 Financial and economic interests of the State

- (1) A head may refuse to grant an FOI request in relation to a record (and, in particular, but without prejudice to the generality otherwise of this subsection, to a record to which subsection (2) applies) if, in the opinion of the head—
 - a) access to the record could reasonably be expected to have a serious, adverse effect on the ability of the Government to manage the national economy or on the financial interests of the State,
 - b) premature disclosure of information contained in the record could reasonably be expected to result in undue disturbance of the ordinary course of business generally, or any particular class of business, in the State and access to the record would involve disclosure of the information that would, in all the circumstances, be premature,
 - c) access to the record could reasonably be expected to have a negative impact on decisions by enterprises to invest or expand in the State, on their research activities or on the effectiveness of the industrial development strategy of the State, particularly in relation to the strategies of other states, or
 - d) access to the record could reasonably be expected to result in an unwarranted benefit or loss to a person or class of persons.

Harm Test and Public Interest Test

There is Harm test and Public Interest Test associated with sections 32, 37 and 40 of the FOI Act whereby my decision must be made having fully considered the public interest relevant to this request.

The Harm test has been considered and it is believed that the release of these documents will have a likely prejudice on reasonable expectation that information provided to and held by the



LDA can be maintained in a confidential manner, which outweighs the public interest that would be served were the records released to you.

I have considered the public interest issues which arise in your request and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent.
- The public interest in members of the public exercising their rights under the FOI Act.
- That there is more than just a transitory interest by the public in this information being released.
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records, I have taken account of the following:

- High risk to the Irish state's IT infrastructure. The consequent financial and operational losses in the event of a cybercrime incident are immense.
- Risk of the records being used in the commission of a cyber offence.
- The best course of action which is in the public interest with regard to these records.
- The public interest is not best served by releasing of these records.
- Allowing a public body to hold personal information without undue access by members of the public.

Having reviewed the records for part B of your request, I find there is no exceptional circumstance in this particular case that would warrant release of these particular records and therefore my decision is to find that the public interest is best served by refusal.

2. Right of Appeal

In the event that you are unhappy with this decision you may appeal this it. If you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Land Development Agency, 2nd Floor, Ashford House, Tara Street, Dublin 2 or by e-mail to foi@lda.ie.

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Head of Finance, Land Development Agency, 2nd Floor, Ashford House, Tara Street, Dublin 2.

Payment can be made by electronic means, using the following details:

Land Development Agency
IE59AIBK93101257645196
BIC: AIBKIE2D

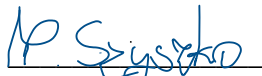
You must ensure that your FOI reference number (**FOI 202204**) is included in the payment details.

You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Please be advised that the Land Development Agency replies under Freedom of Information may be released into the public domain via our website at lda.ie.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone on (01) 9103400.



Monika Szyszko
Compliance Manager

Appendix 1: Schedule of Records

| Requester name: | | Request Re:202204 | | | |
|-----------------|-------------------------|--|-----------------------------|----------------------|---------------------------|
| Page number | Description of document | Deletions | Relevant section of FOI Act | Reasons for deletion | Decision Maker's decision |
| N/A | N/A | N/A | N/A | N/A | N/A |
| | | | | | |
| | | Total number of pages | | | 2 |
| | | Total number of pages for full release | | | 2 |
| | | Total number of pages for partial release | | | 0 |
| | | Total number of pages being withheld | | | 0 |



CEO & Support

Phone 01 910 3400

email info@lda.ie

- John Coleman
- Agnes Hegarty
- Rose Kenny
- Christopher Lowe
- Christine O'Sullivan
- Ashling O'Toole
- Rebecca Quinn
- Melissa Sheedy
- Monika Szyszko
- Adrienne Vuotto
- Denise Wall
- Carina Wilkes

Property, Planning, Construction

Phone 01 910 3400

email info@lda.ie

- Denis Barry
- Shauna Callaghan
- Bronwen Coyle
- Chloe Coyne
- Robert Farrell
- Felix Finke
- Clare Fox
- Michael Goan
- Paul Greene
- Declan Hayden
- Alan Kelly
- Dearbhla Lawson
- Cillian Lehmann
- Fiona Little
- Cormac McKenna



- Niall O'Byrne
- Sinead O'Donoghue
- Phelim O'Neill
- Eamonn Reidy
- Enda Sexton
- Ciara Slattery
- Noel Walsh
- John White

Finance & Procurement

Phone 01 910 3400

email info@lda.ie

- Jack Barrett
- Omar Bhamjee
- Rachel Byrne
- Elaine Carney
- Jonas Daujotas
- Nick Davies
- Mags Duignan
- Paul Elliott
- Paul Farrell
- Conor Finn
- Maria Gutierrez
- Tobi Ladipo
- Jiale Lee
- Noleen Mooney
- Conor Nolan
- Barry O'Brien
- Sandra Stafford
- Michael Whelehan
- Annette White
- Debbie White