

11th of August 2022

Re: Freedom of Information request 202210- Request Part-Grant.

Dear

I refer to your request, originally dated and received on 13th of July 2022, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

“all documents, including emails and phone messages, relating to the process and criteria used by the LDA for the selection of its panel of architects to prepare masterplans for sites, either directly or indirectly under its control, including (but not limited to) the Colbert Quarter in Limerick and the Central Mental Hospital site in Dundrum, since the agency was established.”

I wish to inform you that I have decided to part-grant your request on the 11th August 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.

The records requested are attached to this decision letter for your information.

I wish to inform you that I am refusing a number of records in accordance with Section 35(1), 36(1), Section 37(1) of the FOI Act.

These records are included in the Schedule of Records in **Appendix 1**.

Additionally:

- An attachment of the email RE_ P022 ALDT PQQ clarifications of 1 October 2020 and was mostly outside of the scope of the request “*relating to the process and criteria used by the LDA for the selection of its panel of architects to prepare masterplans for sites*”. A new document was created extracting relevant information with the information supplied in confidence (Section 35 of the FOI Act) omitted.
- I also note that Appendix 4 as listed as an attachment of the email January 30th, 2020: “LDA Request for Mini-Tender - Architect led Design Team - Central Mental Hospital_ Dundrum_ Dublin 14” these documents were for the information of the tender applicants and does not relate to the *to “the process and criteria used by the LDA for the selection of its panel of architects to prepare masterplans for sites”*. Therefore I have not included it as part of this decision.

Section 35 –Information Obtained in Confidence

- (1) Subject to this section, a head shall refuse to grant an FOI request if-
- (a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or
 - (b) disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment (other than a provision specified in column (3) in Part 1 or 2 of Schedule 3 of an enactment specified in that Schedule) or otherwise by law.

Section 36-Commerically Sensitive Information

- (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains
- c) trade secrets of a person other than the requester concerned
 - d) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or
 - e) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

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,*

Harm Test and Public Interest Test

There is Harm test and Public Interest Test associated with sections 35, 36, and 37 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:

- The best course of action which is in the public interest with regard to these records.
- That the LDA can conduct its business with external stakeholders in a confidential manner.
- Allowing a public body to hold personal information without undue access by members of the public.
- The public interest is not best served by releasing of these records.
- Protecting the flow of information to public bodies.
- Ensuring public bodies can carry out their duties without intrusion by the public.

Having reviewed the records for 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 202210**) 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 email at foi@lda.ie.



Monika Szyszko
Compliance Manager

Appendix 1: Schedule of Records

Requester name:		Request Re:202210				
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision	
2 of 3	Re: Architect led Design Team Framework (10 th to 21 st July 2020 emails)	Two and a half lines of text	Section 36	Commercially Sensitive	Part-Grant	
1 of 3	Email thread ALDT Criteria (13 th to the 14 th of October 2020 emails)	Two figures and one commercially sensitive area	Section 36	Commercially Sensitive	Part-Grant	
1 of 2	ALDT [Redacted] Framework (30 th of July 2020 emails)	Information in Subject line not part of ALDT	Section 36	Commercially Sensitive	Part-Grant	
1 of 2	ALDT [Redacted] Framework (30 th of July 2020 emails)	Commercially sensitive framework not part of ALDT	Section 36	Commercially Sensitive	Part-Grant	
11 of 16	Project Initiation Procurement Sign on (presentation)	Commercially sensitive are of Risk Register	Section 36	Commercially Sensitive	Part-Grant	
1 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
2 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
3 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
4 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
5 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
6 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
7 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
8 of 12	RE_ Planning Consultancy FW (Lot 1) (emails)	Names of non LDA staff	Section 37	Personal Information	Part-Grant	
2 pages	Email LDA Request for Mini-Tender - Architect led Design Team - Central Mental Hospital_ Dundrum_ Dublin 14	N/A	N/A	N/A	Grant	
11 pages	Request for Mini-Tender Architect Led DT Services CMH Dundrum Issued 30 Jan 2020	N/A	N/A	N/A	Grant	
4 Pages	Appendix 1 Form of Tender	N/A	N/A	N/A	Grant	



3 excel spreadsheet Pages	Appendix 2 Pricing and Resource Breakdown	N/A	N/A	N/A	Grant
1 page	Appendix 3 Resource Allocation Schedule	N/A	N/A	N/A	Grant
3 of 12	Appendix 5 Outline Brief for the Purposes of Architect led Design Team Procurement Central Mental Hospital Dundrum Dublin 14	Location not available for disclosure	Section 36	Commercially Sensitive	Part-Grant
78 Pages	Appendix 6 Detailed Scope Architect Led Design Team	N/A	N/A	N/A	Grant
1 page	CMH Dundrum - Addendum to Clarifications Response 20.02.2020	N/A	N/A	N/A	Grant
1 page	CMH Dundrum DT Mini-Tender Clarifications 20.02.2020	N/A	N/A	N/A	Grant
1 of 2	RE_ P022 ALDT PQQ clarifications	External Company name	Section 35	Information given in Confidence	Part-Grant
1	Attachement: to email RE_ P022 ALDT PQQ clarifications_		Section 35	Information given in Confidence	New Record created
1 of 2	ALDT & redacted Consultant Framework Overview for Approval	Commercially sensitive item in email title	Section 36	Commercially Sensitive	Part-Grant
1 of 2	ALDT & redacted Consultant Framework Overview for Approval	Commercially sensitive information outside of FOI request scope	Section 36	Commercially Sensitive	Part-Grant
2 of 2	ALDT & redacted Consultant Framework Overview for Approval	Commercially information outside of FOI request scope	Section 36	Commercially Sensitive	Part-Grant
69 pages	Qualification Questionnaire Architect led design team issued 28 March 2019	NA	NA	NA	Grant
34 Pages	Invitation to tender Architect Led Design Team issued 10 July 2019	NA	NA	NA	Grant
2 pages	4.0 Architect Led Design team Framework - Extract LDA Investment Committee 17th August 2020 Request for Recommendation - Approval of LDA Property Related Procurment Strategies	NA	NA	NA	Grant
72 Pages	LDA Qualification Questionnaire Design Team Lot 1	NA	NA	NA	Grant
72 Pages	LDA Qualification Questionnaire Design Team Lot 2	NA	NA	NA	Grant
41 Pages	Architect Led Design Team Services Invitation to tender Issued 7 July 2021	NA	NA	NA	Grant



33 pages	Architect Led Design Team Services Invitation to tender Issued 11 August 2021	NA	NA	NA	Grant
27 Pages	Qualification Questionnaire Planning Services in 3 lots issued 7 July 2021	NA	NA	NA	Grant
37 Pages	Invitation to tender Planning Services in 3 lots issued 23 November 2021	NA	NA	NA	Grant
		Total number of pages			543
		Total number of pages for full release			526
		Total number of pages for partial release			17
		Total number of pages being withheld			0

