

30th of August 2022

Re: Freedom of Information Request 202212- Request Part-Grant.

Dear

I refer to your request dated 01/08/2022 (which was received by this office on 02/08/2022) made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA). Your request sought:

- *copies of all records held referring or relating to delays to the project at St Kevin's Hospital due to the presence of breeding bats.*

I wish to inform you that I have decided to part-grant your request on the 30th of 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 29(1) and Section 37(1) of the FOI Act.

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

Section 29 – Deliberation of Public Bodies

(1) A head may refuse to grant an FOI request-

- a) If the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and
- b) the granting of the request would, in the opinion of the head, be contrary to the public interest,

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 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 202212) 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:202212				
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision	
1	RE_ St Kevin's media query	Individuals' names and email addresses	Section 37	Personal Information	Part Grant	
2	RE_ St Kevin's media query	Individuals' names and email addresses	Section 37	Personal Information	Part Grant	
2	RE_ St Kevin's media query	1 paragraph	Section 29	Deliberations of FOI Body	Part Grant	
3	RE_ St Kevin's media query	Individuals' names and email addresses	Section 37	Personal Information	Part Grant	
5	Email thread: RE_ LDA_ St Kevins - Ecologist Tender	Individuals' names and email addresses	Section 37	Personal Information	Part Grant	
7	Email thread: RE_ St Kevins	N/A	N/A	N/A	Grant	
8	Email thread: RE_ St Kevins	Individuals' names and email addresses	Section 37	Personal Information	Part Grant	
9	Email thread RE_ St Kevin's	Individuals' names and email addresses	Section 37	Personal Information	Part Grant	
10	Extract LDA Leadership team weekly	N/A	N/A	N/A	Grant	
		Total number of pages			10	
		Total number of pages for full release			4	
		Total number of pages for partial release			6	
		Total number of pages being withheld			0	

