

10<sup>th</sup> March 2021

**Re: Freedom of Information request 202104- Request Part Grant.**

Dear,

I refer to your request, dated and received on 10th February 2021 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

1. *Any correspondence between Chair of the Board, John Moran, and Minister Eamon Ryan in relation to the public land within Limerick and Clare County*
2. *-All Correspondence between Chair of the Board, John Moran, and Brian Leddin TD from March 1st, 2020 to February 10th 2021.*

I wish to inform you that I have decided to part grant your request on the 10th of March 2021.

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

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

**Part One**

In respect to part one of your request ‘*Any correspondence between Chair of the Board, John Moran, and Minister Eamon Ryan in relation to the public land within Limerick and Clare County.*’ I am part-granting your request. The transcript of text message correspondence, as provided by the Chairperson, is provided below.

EAMON RYAN

*20 Jan 2020 Texts (this was specifically before the scope above but related directly to LDA work on public land so added it in for you to decide what you need to do)*

- *I hear you are coming here to Waterford today! Really interesting city*
- *Indeed. Met [REDACTED] last week who was updating me on some of the north shore plans. Glad to see the news re Limerick rail station as well. Must swap notes again soon. Eamon*
- *Here in Chamber [that is Waterford Chamber] with some of social service providers and kids from schools. Great stories.*

*22 July 2020*

- *No worries. Give me a call whenever suits. Eamon*

- *Sorry about that. Was trying to have a long discussion about sport facilities with GAA here in limerick to see if it could be combined with transport*
- *I will be up in Dublin now tomorrow late afternoon evening until sat as meeting Daragh O'Brien Friday morning. Should we just try and meet?*
- *Will see if I can get a gap in diary but would like to talk over phone in meantime whenever suits. Eamon*
- *Perfect. Name a time which works between 1pm and 4pm today. I can juggle everything there.*

*23 July 2020*

- *Hi there, have you picked dates for the trip to the mid-west yet? I think you said the end of August but just checking in as our Limerick 5 optional design work might be getting close by then.*
- *Let me get back to you next week then I have a better ideas of dates. Eamon*

I wish to inform you that I am refusing a part of record under section 37 (1).

### **Section 37-Personal Information**

*37. (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).*

Please note that, as advised by the Chairperson, there were no emails in existence within the scope of the request.

### **Part Two**

In respect of part two of your request where you request 'All Correspondence between Chair of the Board, John Moran, and Brian Leddin TD from March 1st 2020 to February 10th 2021, I am part-grating your request. The transcript of text message correspondence, as provided by the Chairperson, is provided below.

*(a) 3<sup>rd</sup> April 2020*

- *Text to [personal contact XXX] pointing out "She's mastered Zoom and Whatsapp Video calls!"*
- *It is amazing how the country has become so tech savvy. Makes it easier to push regional cities*
- *I wonder how much it will be embraced post Covid. Whole government departments were told that remote working wasn't possible 8 weeks ago. Now they're all working from home. Would be interesting to see whether productivity holds up.*
- *We'll have to see. But I won't accept from our senior LDA folks that they need their core team near them in the office. They had more or less given in but this is the final proof I needed"*

2 July 2020

- Great to see the LDA advertising this kind of role – Attached screen shot from our website with job ad for Urban Design and Sustainability Manager

3 July 2020

- Thanks. I wanted this a year ago and we advertised for an urban planner for Limerick but not driven by John so I have been pushing again. If you can encourage the right persons to apply I'd love them to base themselves in our office in limerick as I could drive this change to Ireland's housing through the board strategy and make sure that whoever it is has strong support.
- I picked it up on an "urbanist" chat group that I'm on so the word should be getting out."

5 February 2021

- And here's the clip with Eamon and [REDACTED] – attached audio clip from RTE Radio Player of interview].

I wish to inform you that I am refusing a part of record under section 37 (1).

### **Section 37-Personal Information**

*37. (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).*

Please note that, as advised by the Chairperson, there were no emails in existence within the scope of the request.

### **Public Interest Test**

There is a Public Interest Test associated with section 37 the FOI Act whereby my decision must be made having fully considered the harm and public interest relevant to this request.

I have considered the public interest issues which arise in part one of 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 as detailed in part one of your request, I have taken account of the following:

- 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 these records.

- That the organisation can conduct its business in confidential manner.
- That there is no overriding public interest that outweighs the individual's right to privacy.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained in confidential manner by the LDA outweighs the public interest which would be served were the detail released to you.

## **Right of Appeal**

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

Yours sincerely,



Monika Szyszko,  
Compliance Officer