

15th March 2022

Re: Freedom of Information request 202203- Request Part-Grant.

Dear

I refer to your request, originally dated and received on 15th of February 2022, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

“I would like to request to see the minutes of the LDA Board meeting from September 2021 and any subsequent meetings that have taken place since”.

I wish to inform you that I have decided to part-grant your request on the 15th March 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.

Please note that the LDA Board minutes for the 7th of September 2021, 19th of October 2021, and 16th of November 2021 were previously released under Freedom of Information Act 2014 and are available on the LDA website www.lda.ie.

Therefore, minutes for 14th December 2021 and 31st January 2022 are attached for your information.

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), 36(1), 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 36-Commerically Sensitive Information

- (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains
- a) trade secrets of a person other than the requester concerned
 - b) 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
 - c) 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 section 29, 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

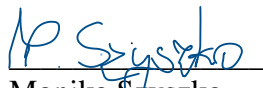
You must ensure that your FOI reference number (**FOI 202203**) is included in the payment details.

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:202203			
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1	Board Minutes 14/12/2021	Name of individual	Section 37	Personal Information	Part-grant
2	Board Minutes 14/12/2021	Section 2.1	Section 36	Commercially Sensitive	Part-grant
2	Board Minutes 14/12/2021	Section 2.1	Section 29	Deliberation of FOI Body	Part-grant
2	Board Minutes 14/12/2021	Section 3.1	Section 29	Deliberation of FOI Body	Part-grant
3	Board Minutes 14/12/2021	Section 6.1	Section 36	Commercially Sensitive	Part-grant
3	Board Minutes 14/12/2021	Section 6.2	Section 36	Commercially Sensitive	Part-grant
3	Board Minutes 14/12/2021	Section 7.1	Section 29	Deliberation of FOI Body	Part-grant
3	Board Minutes 14/12/2021	Section 8.1	Section 29 Section 36	Deliberation of FOI Body Commercially Sensitive	Part-grant
5	Board Minutes 31/1/2022	Name of individuals	Section 37	Personal Information	Part-grant
6	Board Minutes 31/1/2022	Section 2.1	Section 36	Commercially Sensitive	Part-grant
6	Board Minutes 31/1/2022	Section 2.1	Section 29	Deliberation of FOI Body	Part-grant
6	Board Minutes 31/1/2022	Section 2.2	Section 29	Deliberation of FOI Body	Part-grant
6	Board Minutes 31/1/2022	Section 3.2	Section 36	Commercially Sensitive	Part-grant
6	Board Minutes 31/1/2022	Section 4.1	Section 36	Commercially Sensitive	Part-grant
7	Board Minutes 31/1/2022	Section 5.1	Section 36	Commercially Sensitive	Part-grant
		Total number of pages			7
		Total number of pages for full release			1
		Total number of pages for partial release			6
		Total number of pages being withheld			0



Land Development Agency

Board Meeting of 14th December 2021

Minutes of Meeting

Date	14 th December 2021
Venue	Teams
Time	10am
Chair	Michael Stone
Other Board Members	John Coleman (CEO), John O'Connor, Caroline Timmons, Frank Curran, Clare Costello, Conn Murray, Michelle Norris
Apologies	
Attendees	Cormac O'Rourke, Phelim O'Neill*
Minute Taker	[REDACTED] (Arthur Cox)
*	For part of meeting

Personal
Information
Section 37

No	Item
1.	Board Preliminaries
	Agenda – For Noting The Board noted the agenda provided for the meeting.
1.1	Noting of Meeting Chair – For Noting It was noted that Michael Stone would chair the meeting.
1.2	Notice of Meeting and Quorum – For Noting The Chair noted that the meeting was quorate.
1.3	Declarations of Conflict / Interest – For Noting The Board were provided an opportunity to declare any conflicts of interest in respect of the agenda items. Frank Curran noted that he may have a conflict in connection with the Dun Laoghaire project.
1.4	Draft minutes of Board meeting of 16 November 2021 – For Approval The draft minutes of the November Board meeting were approved.
1.5	Board Action Tracker – For Discussion The Board reviewed the updated action tracker and took note of the open items on the tracker.
2.	CEO Update
2.1	CEO Summary Report – For Discussion The CEO Report was taken as read by the meeting.

	<p>[REDACTED]</p> <p>It was noted that the criteria and review process for Phase #1 expressions of interest would be overseen by the Investment Committee. [MA114122021]</p> <p>The CEO gave an update in respect of the Shanganagh project. The CEO noted that tender returns for the enabling works on the St Kevin’s project were due at the end of the week and that pre-qualification questionnaires for phase #1 of the project were ready to be released.</p> <p>[REDACTED]</p> <p>[REDACTED] The incorporation of LDA DAC is projected to occur in January 2022. The CEO advised that the LDA DAC Board should move to hold its first Board meeting in January. [MA214122021]</p> <p>[REDACTED]</p>
3.	Property
3.1	<p>Property Update – For Discussion</p> <p>The Head of Property informed the meeting that it was intended to be on-site with enabling works for the St Kevin’s project by the end of Q1 2022. [MA414122021]</p> <p>[REDACTED]</p>
4.	Finance
4.1	<p>Finance Update – For Discussion</p> <p>The Finance Report was taken as read by the meeting.</p> <p>The Board noted that the turnaround time for Finance Reports needed to be reduced. The CEO confirmed that updated management figures would be uploaded to Decision Time before the end of the month. [MA514122021]</p> <p>The CEO confirmed that the existing LDA will be audited up to the date of dissolution. The Board indicated that LDA DAC may require a separate Finance Committee and Audit & Risk Committee.</p>
4.2	<p>Procurement Update – For Discussion</p> <p>The Procurement Report was taken as read by the meeting.</p>
5.	Audit & Risk Committee
5.1	<p>Committee Update to the Board – For Information</p> <p>The Board discussed the recommendations of the internal audit review and the Risk Register concerns identified by the Audit & Risk Committee. The CEO confirmed that the LDA will keep working to improve on its risk management procedures.</p>
6.	Investment Committee

Section 36
Commercially
Sensitive
Information

Section 29
Deliberations
of Public
Body

Section 29
Deliberations
of Public
Body

6.1	<p>Committee Update to the Board – For Information The Investment Committee (“IC”) Report was taken as read by the meeting.</p> <p>[REDACTED]</p>	Section 36 Commercially Sensitive Information
6.2	<p>[REDACTED]</p>	
	<p style="text-align: center;">DECISION</p> <p>[REDACTED]</p>	
6.3	<p>Cost Development Policy – For Approval The Board reviewed the draft cost development policy presented to the meeting.</p> <p>The Board recommended that the policy should be adopted now and amended after six months to account for regional variance. [MA714122021]</p> <p>The Board further recommended that LDA processes should reflect the regulations of the Public Spending Code. [MA814122021]</p>	
	<p style="text-align: center;">DECISION</p> <p>The Cost Development Policy be and is hereby approved.</p>	
7.	<p>Strategic Planning & Sustainability Committee</p>	
7.1	<p>[REDACTED]</p> <p>The Board reviewed the Committee’s Community Engagement Consultation Policy and procedure.</p>	Section 29 Deliberations of Public Body
8.	<p>Remuneration & Nominations Committee</p>	
8.1	<p>The Chair of the Committee informed the Board that the Committee would be conducting a review of its Terms of Reference and that [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	Section 29 Deliberations of Public Body
9.	<p>Any Other Business</p>	
9.1	<p>AOB</p>	

	There were no further items of business to discuss.
10.	Date of next Board meeting The date of the next board meeting is 8 th February 2022.

Land Development Agency

Board Meeting of 31st January 2022

Minutes of Meeting

Date	31 st January 2022
Venue	Teams
Time	10am
Chair	Michael Stone
Other Board Members	John Coleman (CEO), John O'Connor, Caroline Timmons, Frank Curran, Clare Costello
Apologies	Michelle Norris, Conn Murray
Attendees	Cormac O'Rourke, Phelim O'Neill*
Minute Taker	██████████ (Arthur Cox)
*	For part of meeting

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Section 37

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1.	Board Preliminaries
	Agenda – For Noting The Board noted the agenda provided for the meeting.
1.1	Noting of Meeting Chair – For Noting It was noted that Michael Stone would chair the meeting.
1.2	Notice of Meeting and Quorum – For Noting The Chair noted that the meeting was quorate.
1.3	Declarations of Conflict / Interest – For Noting The Board were provided an opportunity to declare any conflicts of interest in respect of the agenda items. Frank Curran noted that he may have a conflict in connection with the Dun Laoghaire project.
1.4	Draft minutes of Board meeting of 14 December 2021 – For Approval The draft minutes of the December Board meeting were approved, subject to minor changes.
1.5	Board Action Tracker – For Discussion The Board reviewed the updated action tracker and took note of the open items on the tracker.
2.	CEO Update
2.1	CEO Summary Report – For Discussion The CEO Report was taken as read by the meeting.

	<p>The CEO informed the meeting that the LDA was focusing on units arising from Phase #1 of Project Tosaigh which were due to be delivered in 2022. The CEO noted that Phase #1 would also support the delivery of units in 2023.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>The CEO provided updates to the board in respect of a number of matters and it was noted that all open projects were on track. [REDACTED]</p>	<p>Section 36 Commercially Sensitive Information</p> <p>Section 29 Deliberations of public body</p> <p>Section 29 Deliberations of public body</p>
2.2	<p>Transitional Arrangements between LDA Entities</p> <p>The CEO informed the board that LDA DAC had been established and that it was intended to hold the company as a shell entity until the LDA Agency was dissolved in February 2022.</p> <p>[REDACTED]</p>	<p>Section 29 Deliberations of public body</p>
3.	<p>Property</p>	
3.1	<p>Property Update – For Discussion</p> <p>The Head of Property delivered a high-level review of the property report to the meeting.</p> <p>The board noted the recent positive result in respect of St. Teresa’s Gardens.</p>	
3.2	<p>St. Kevin’s Enabling Works Contractor Appointment</p> <p>The Head of Property presented a proposal, recommended by the Investment Committee, to the board in respect of the appointment of a contractor to carry out the enabling works on the St. Kevin’s site in Cork and [REDACTED]</p> <p>After further discussion the board approved the proposal.</p>	<p>Section 36 Commercially Sensitive Information</p>
	<p style="text-align: center;">DECISION</p> <p>That the proposed contractor and budget of [REDACTED] or the enabling works on the St. Kevin’s site in Cork be and is hereby approved.</p>	
4.	<p>Finance</p>	
4.1	<p>Finance Update – For Discussion</p> <p>The Finance Report was taken as read by the meeting.</p> <p>[REDACTED]</p> <p>[REDACTED] The Chair stated that the turnaround time for finance reports needed to be reduced in 2022.</p>	<p>Section 36 Commercially Sensitive Information</p>
4.2	<p>Procurement Update – For Discussion</p> <p>The Procurement Report was taken as read by the meeting.</p>	

