

09 February 2023

**Re: Freedom of Information Request 202302 - Request Part Granted.**

Dear \_\_\_\_\_,

I refer to your request dated and received by this office on the 11<sup>th</sup> of January 2023, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

- A. *All correspondence/memos/briefings between the LDA and officials of principal grade or higher in the Department of Housing relating to Thornton Hall in 2022.*
- B. *Correspondence/memos/briefings between the LDA and the Irish Prison Service relating to Thornton Hall in 2022.*
- C. *Any valuations of the site from 2022.*

I wish to inform you that I have decided to part-grant your request on the 09<sup>th</sup> of January 2023.

The purpose of this letter is to explain that decision.

**1. Findings, particulars and reasons for decisions.**

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.

I divided your request into part A, B and C to explain my decision.

**Part A**

In relation to part A of your request where you *all correspondence/memos/briefings between the LDA and officials of principal grade or higher in the Department of Housing relating to Thornton Hall in 2022* I wish to inform you that I am refusing your request under section 15(1)(b).

**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 respect to part B of your request where you *Correspondence/memos/briefings between the LDA and the Irish Prison Service relating to Thornton Hall in 2022*. I wish to inform you that I am part-grating your request. The records requested are attached to this decision letter for your information.

The FOI Act 2014 provides that in certain circumstances, a public body may refuse the release of certain records or part thereof. As such a number of redactions have been applied to the attached records. These redactions are detailed in the Schedule of Records in **Appendix 1**.

The attached records contain information which is of a sensitive nature. In accordance with the provisions of Section 32 of the Act, I am refusing the release of part of the record.

Section 32 states that:

### **Law Enforcement and Public Safety**

*32.(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—*

*(a) prejudice or impair—*

*(v) the security of a penal institution,*

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

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act, is in effect, and regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily. Section 2 of the FOI Act defines personal information as follows:

#### *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 37(1) provides that a public body shall refuse to grant a request if access to the records concerned would involve the disclosure of personal information. I am satisfied that parts of certain records relate to third parties, and I am satisfied that the records consist of the personal

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).

### **Public Interest Test**

There is a Public Interest Test associated with section 37 and section 32 of 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 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 LDA can conduct its commercial activities with external stakeholders in a 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.

### **Part C**

In relation to part A of your request where you *Any valuations of the site from 2022* I wish to inform you that I am refusing your request under section 15(1)(b).

### **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,

## **2. Right of Appeal**

In the event that you are unhappy with this decision you may appeal it. If 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).

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, 2<sup>nd</sup> Floor, Ashford House, Tara Street, Dublin 2.

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

**The Land Development Agency DAC**  
**IE61AIBK93101264101092**  
**BIC: AIBKIE2D**

You must ensure that your FOI reference number (**FOI 202302**) 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](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 Manager

## Appendix 1: Schedule of Records

Requester name:			Request Re:202302		
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1	ESB Map 1	NA release in full	NA	NA	Grant
2	ESB Map 2	NA release in full	NA	NA	Grant
3 - 5	Fw_ GR2236(A) - Thornton Hall Access Road ESB interface site	Names, email addresses and phone number Page 1 of record	Section 37	Personal Information	Part Grant
3 - 5	Fw_ GR2236(A) - Thornton Hall Access Road ESB interface site	Names, email addresses and phone number Page 2 of record	Section 37	Personal Information	Part Grant
6	Fw_ Irish Prison Service	Arrangements with Special Criminal Court  email addresses and phone number Page 1 of record	Section 32  Section 37	Law enforcement and public safety  Personal Information	Part Grant
7 - 10	Fw_ Irish Prisons_LDA_ St Bricins_Arbour Hill_ Thornton Hall & Cork Prison	Requirements of Court  email addresses and phone number Pages 1-3 of record	Section 32  Section 37	Law enforcement and public safety Personal Information	Part Grant
11	Fw_ Thornton docs 1 of 3	email addresses and phone number Page 1 of record	Section 37	Personal Information	Part Grant
12 - 16	Location Purpose Size of Development Thornton	N/A	N/A	N/A	Grant
		<b>Total number of pages</b>			16
		<b>Total number of pages for full release</b>			0
		<b>Total number of pages for partial release</b>			0
		<b>Total number of pages being withheld</b>			0



