

12 July 2023

Re: Freedom of Information Request 202319 - Request Part - Granted.

Dear

I refer to your request dated 14th of June 2023 and received by this office on the same day which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

- A. *Statistical Information showing rejections and acceptance cases under Cost Rental scheme including household net income figures and also percentage of income spend on rent in both: rejection and acceptance.*
- B. *Documentation surrounding the assessment and decision on your own application for this scheme inc day and exact time when decision was made.*
- C. *Informations on legal way of appealing the decision.*

I wish to inform you that I have decided to part-grant your request on the 12th of July 2023.

The purpose of this letter is to explain that decision. This explanation has the following parts:

- A schedule of all of the records covered by your request (Appendix 1).
- a statement of how you can appeal this decision should you wish to do so.

I will address each of your three requests individually.

1. Findings, particulars and reasons for decisions.

Details of your request were provided to the relevant section within the LDA to identify information held which was within the scope of your request.

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

Part A

In respect to part **A** of your request where you request *Statistical Information showing rejections and acceptance cases under Cost Rental scheme including household net income figures and also percentage of income spend on rent in both: rejection and acceptance* I am part-granting your request.

The LDA don't process statistical information showing rejections and acceptance cases under Cost Rental. All data submitted during eligibility checks is deleted once check process is completed in compliance with GDPR and Residential Tenancies Board Regulation. Therefore, I must refuse this particular aspect of your request, as the record sought does not exist and do so pursuant to Section 15(1)(a) of the Act.



Section 15(1)(a) states that:

Refusal on administrative grounds to grant FOI requests

15(1)(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.

The LDA can provide an overview of applicants that registered their interest based on initial registration information (not verified) for all 94 Archers Wood Apartments:

a. Percentage Income Declared (Not Checked) Income to property Rent.

Total Applicants	Unit Rent as a Percentage of Declared Income
310	<35%
197	35-40%
83	40-42%
313	>42%

This information only illustrates parties that registered their interest in the Archers Wood Apartments.

Part B

In respect of part **B** of your request where you request *Documentation surrounding the assessment and decision on your own application for this scheme inc day and exact time when decision was made* I am part-granting your request.

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

It should be noted that assessment of applicants is conducted by Wyse Residential under the rules set out on FAQ section of LDA website. Income is calculated based on the scheme rules and data submitted by applicant. Anonymized recommendation to accept or reject application is sent to the LDA by Wyse Residential. There is no documentation held surrounding the assessment and decision process. The documentation submitted by the applicant during the eligibility check phase is reviewed against the criteria outlined in the Affordable Housing Act and associated regulations. Therefore, I must refuse this particular aspect of your request, as the record sought does not exist and do so pursuant to Section 15(1)(a) of the Act.

Section 15(1)(a) states that:

Refusal on administrative grounds to grant FOI requests

15(1)(a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.



Part C

In respect of part C of your request where you request *Information on legal way of appealing the decision* I must advise that Section 11 of the FOI Act provides for a right of access to records held by FOI bodies. Requests for information are therefore not valid requests under the Act, as opposed to requests for records. FOI bodies are not required under the Act to create records where none exist, and it does not oblige FOI bodies to answer general queries. The Act does not provide a mechanism for answering questions, except to the extent that a question can reasonably be inferred to be a request for records which contain the answer to the question asked or the information sought.

I can advise that no such appeal mechanism is in place where the applicant was over Net Income limit as prescribed under the Affordable Housing Act 2021 Act and applicable regulations. Therefore, I must refuse this particular aspect of your request, as the record sought does not exist and do so pursuant to Section 15(1)(a) of the Act.

Section 15(1)(a) states that:

Refusal on administrative grounds to grant FOI requests

15(1)(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 seek an Internal Review of the matter 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.

You must ensure that your FOI reference number (FOI 202319) is included in the payment details.

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

The Land Development Agency DAC
IE61AIBK93101264101092
BIC: AIBKIE2D

You should make your request for Internal Review 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 review 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.

Yours sincerely,



Monika Szyszko,
Compliance Manager

Appendix 1: Schedule of Records

Requester name:		Request Re:202319			
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1-3	Email Chain FW_LDA Unsuccessful application	Email address and name of applicant REDACTIONS WILL ONLY BE APPLIED IN VERSION FOR PUBLICATION	Section 37	Personal Information	Part Grant
		Total number of pages			3
		Total number of pages for full release			1
		Total number of pages for partial release			2
		Total number of pages being withheld			0

