

18 September 2023

Re: Freedom of Information Request 202333 - Request Part-Granted.

Dear,

I refer to your request dated 21/08/2023 and the amended scope submitted on 04/09/2023, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

- A. *KPMG report on Colbert site referred to in minutes of meeting on April 6th 2021 (If there wasn't a report produced can you send in the queries and response to those queries by the CEO)*
- B. *Memorandum of understanding agreed with Limerick City and County Council for development of sites*
- C. *if no funding models have been agreed yet could you send on communications with the Department of Housing since January 2022 discussing possible funding models for sites LDA may be working on in Limerick)*

I wish to inform you that I have decided to part-grant your request on the 18th of September 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 parts A, B and C to explain my decision. I will individually address each of the three parts of your request.

The FOI Act 2014 provides that in certain circumstances, a public body may refuse the release of certain records or part thereof. As such one redaction has been applied to the attached record. This redaction is detailed in the Schedule of Records **Appendix 1**.

Part A

In respect to part A of your request where you requested “*KPMG report on Colbert site referred to in minutes of meeting on April 6th 2021 (If there wasn't a report produced can you send in the queries and response to those queries by the CEO)*” 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.

In this regard, I am to advise you that no records have been identified as sought by you. Therefore, I wish to inform you that I am refusing this part of your request under section 15(1)(b).



Refusal on administrative grounds to grant FOI requests

I5(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 requested “*Memorandum of understanding agreed with Limerick City and County Council for development of sites*” 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.

In this regard, I am to advise you that I am part-granting this part of your request. One record was identified as being within the scope of your request.

The FOI Act 2014 provides that in certain circumstances, a public body may refuse the release of certain records or part thereof.

As such one redaction has been applied to the attached record. This redaction is detailed in the Schedule of Records in **Appendix 1**. This record has been redacted in accordance with Section 36(1)(b) of the FOI Act.

Commercially Sensitive Information

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains

(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

I am satisfied that the release of this commercial information contained within this record would prejudice the competitive position of the LDA.

Public Interest Test

There is a Public Interest Test associated with section 36 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 commercial confidentiality 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 commercial 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 in this case commercial activities.

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 respect to part C of your request where you requested “*Documents outlining current funding models for developments in Limerick (if no funding models have been agreed yet could you send on communications with the Department of Housing since January 2022 discussing possible funding models for sites LDA may be working on in Limerick*” 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.

In this regard, I am to advise you that no records have been identified as sought by you. Therefore, I wish to inform you that I am refusing this part of 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 against 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:

The Land Development Agency DAC

Land Development Agency
2nd Floor, Ashford House
Tara Street, Dublin 2
D02 VX67



IE61AIBK93101264101092

BIC: AIBKIE2D

You must ensure that your FOI reference number (**FOI 202333**) 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.

Yours sincerely,



Monika Szyszko,
Compliance Manager

Appendix 1: Schedule of Records

Requester name:					Request Re:202333	
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision	
4	MoU between the LDA and LCCC	One word on page 4	Section 36	Commercially sensitive information	Part-grant	
		Total number of pages			4	
		Total number of pages for full release			3	
		Total number of pages for partial release			1	
		Total number of pages being withheld			0	

