

1<sup>st</sup> November 2023

**Re: Freedom of Information request 202337- Request Part Grant.**

Dear

I refer to your request dated and received on 03/10/2023, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

*copies of any correspondence between the LDA and either RTÉ or the Department of Tourism, Culture, Arts etc with regard to the possible sale or development of further land at Montrose in Dublin.*

I wish to inform you that I have decided to part-grant your request on the 1<sup>st</sup> of November 2023.

The purpose of this letter is to explain my decision.

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

Upon receipt of your request, it was forwarded to the relevant sections within the LDA for search and retrieval of records within the scope of your request.

In respect to the records requested I wish to inform you that I am part-granting 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 in accordance with Section 37(1) of the FOI Act. These records are included in the Schedule of Records in **Appendix 1**.

**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. Additionally, the LDA as a matter of course redacts the mobile phone numbers and email addresses of employees as these are part of the Agency's IT security management.

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 consist of personal information. Accordingly, I find that section 37(1) of the Act applies to the records at issue.

Section 37(1) of the FOI Act states as follows:

*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).*

As section 37 requires a public interest test be carried out, I have considered the public interest issues which arise in this case 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:

- That there is a reasonable and implied expectation that sensitive personal information will remain confidential.
- The public interest is not best served by releasing these records.
- That the LDA can conduct its business in a confidential manner.
- That there is no overriding public interest that outweighs the individual's right to privacy.
- Maintaining the integrity of the LDA's IT security infrastructure.

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 a confidential manner by the LDA outweighs the public interest which would be served were the detail released to you.

## **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](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, 2nd 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 202337**) 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,

Senior Compliance Manager

## Appendix 1: Schedule of Records

Requester name:		Request Re:202337			
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1-2	Email thread of two emails both dated 15 <sup>th</sup> September 2023 Re_ RTE lands at Montrose	Email address and phone numbers of DG RTE and CEO LDA, name of RTE employee.	Section 37	Personal Information	Part Grant
		<b>Total number of pages</b>			2
		<b>Total number of pages for full release</b>			0
		<b>Total number of pages for partial release</b>			2
		<b>Total number of pages being withheld</b>			0

