

03<sup>rd</sup> November 2023

,

**Re: Freedom of Information request 202338- Request Refused.**

Dear,

I refer to your request dated and received on 05/10/2023, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA). Your request sought:

*I would request you to respond to questions included in the attachment.*

*Q1. Can you please list the number of devices deployed by your organisation for the following?*

*Q2. Does your organisation have plans to procure any of the below services, if yes then please provide information in the below format?*

*Q3. Does your organisation have any plans to procure the below services, if yes then please provide required information in the below format?*

*Q4. Does your organisation have any plans to procure below services, if yes then please provide information in the below format?*

I wish to inform you that I have decided to refuse your request on the 03<sup>rd</sup> of November 2023.

The purpose of this letter is to explain my decision.

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

Firstly, I must advise that Section 11 of the FOI Act provides for a right to 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.

On receipt of your request, it was concluded that this did not meet the criteria for a valid FOI request under Section 11 subsections (1) and (4) of the Freedom of Information Act.

**Access to Records**

*11 (1) Subject to this Act, every person has a right to and shall, on request therefor, be offered access to any record held by an FOI body and the right so conferred is referred to in this Act as the right of access.*

*(4) The records referred to in subsection (1) are—*

*(a) records created on or after the effective date*

I would also like to bring to your attention that disclosure of the type of technologies used in our security systems may provide information beneficial to third parties seeking to exploit any vulnerabilities, and thereby cause harm, loss or damage to LDA systems, data or reputation.

## 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 202338**) 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