

Date: 28/03/2024

To:

Re: Access to information on the Environment Request Land Development Agency_20240311.

Our Ref: AIE 202204/01

Dear

I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for access to information held by the Land Development Agency (LDA) relating to *All GIS data relating to state owned lands*.

I am required to make a decision on your request, at the latest by the 9th of April 2024. Copies of articles mentioned in my decision are detailed in Appendix 1.

My decisions are as follows:

With regard to your request:

All GIS data relating to state owned lands.

Summary of Decision

I have made a decision on your request. This information is in the public domain at <https://data.gov.ie/organization/land-development-agency>, and therefore I have decided to refuse access to these records, having regard to the provisions of the following articles of the AIE Regulations:

- Articles 8(a)(iv)
Release of this information would be contrary to section 15 (d) of the FOI Act – the information is in the public domain.

Emissions

In reaching the above decision and where information has been refused under Article 8 and/or 9(1)(c), I have in accordance with Article 10(1), examined whether your request relates to information on emissions into the environment and have determined that it does not.

Right of review

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of the Land Development Agency, unconnected with the original decision, of the same

or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by writing to Monika Szyszko (foi@lda.ie), referring to this decision. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Should you wish to discuss or received further assistance with any part of the above, please contact me at foi@lda.ie .

Yours sincerely,



Monika Szyszko,
Senior Compliance Manager.

Appendix 1: Access to Environmental Information Regulation Articles mentioned above

Grounds that, subject to article 10, mandate a refusal

8. A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information—

(a) would adversely affect—

(i) the confidentiality of personal information relating to a natural person who has not consented to the disclosure of the information, and where that confidentiality is otherwise protected by law,

(ii) the interests of any person who, voluntarily and without being under, or capable of being put under, a legal obligation to do so, supplied the information requested, unless that person has consented to the release of that information,

(iii) the protection of the environment to which that information relates, or

(iv) without prejudice to paragraph (b), the confidentiality of the proceedings of public authorities, where such confidentiality is otherwise protected by law (including the Freedom of Information Acts 1997 and 2003 with respect to exempt records within the meaning of those Acts);

or

(b) to the extent that it would involve the disclosure of discussions at one or more meetings of the Government, is prohibited by Article 28 of the Constitution.

Discretionary grounds for refusal of information

9. (1) A public authority may refuse to make available environmental information where disclosure of the information requested would adversely affect—

(a) international relations, national defence or public security,

(b) the course of justice (including criminal inquiries and disciplinary inquiries),

(c) commercial or industrial confidentiality, where such confidentiality is provided for in national or Community law to protect a legitimate economic interest, or

(d) intellectual property rights.

(2) A public authority may refuse to make environmental information available where the request—

- (a) is manifestly unreasonable having regard to the volume or range of information sought,
- (b) remains formulated in too general a manner, taking into account article 7(8),
- (c) concerns material in the course of completion, or unfinished documents or data, or
- (d) concerns internal communications of public authorities, taking into account the public interest served by the disclosure.]