

23/12/2024

**Re: Freedom of Information request 202427 – Request Part-Granted.**

Dear

I refer to your request dated the 28<sup>th</sup> of November 2024 and received on the 29<sup>th</sup> of November which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

- 1. a copy of any pre-budget submission made by the LDA.*
- 2. a copy of any correspondence between the LDA and its parent department and/or the Dept of Finance and/or D/PER with regard to its budget allocation in Budget 2025.*

I wish to inform you that I have decided to part - grant your request on the 23<sup>rd</sup> of December 2024.

The purpose of this letter is to explain that decision.

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

Details of both parts of your request were provided to the relevant sections within the LDA to identify records held which were within the scope of your request.

**Part 1 - Refused**

On receipt your request was forwarded to the relevant sections within the LDA to identify records held which were within the scope of your request, “*a copy of any pre-budget submission made by the LDA*”.

In this regard, I regret to inform you that no such records have been identified as sought by you. Therefore, I must refuse your request as the records sought do not exist and I am doing 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 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 2 – Part - Grant**

On receipt your request was forwarded to the relevant sections within the LDA to identify records held which were within the scope of your request, “*a copy of any correspondence between the LDA and its parent department and/or the Dept of Finance and/or D/PER with regard to its budget allocation in Budget 2025*”.

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

A number of redactions have also been applied to the attached records under Sections 36(1)(b) and 37(1) of the Act. These redactions are detailed in the Schedule of Records in **Appendix 1**.

Section 36 states that:

### **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 cognisant of the fact that the release of information under the Act is, in essence, a release to the public at large. Taking into account that the LDA while a public body has a significant commercial focus and is competing with private sector actors, I am satisfied that the release of certain sensitive information contained within these records would alert these competitors to the planned expenditure of the LDA.

Therefore, I am refusing the release of parts of one of the records under the provisions of section 36(1)(b) as it contains commercially sensitive information.

### **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.
- That as the LDA is not yet self-financing there is public interest in transparency in regards public finances.

In considering the public interest factors which favour withholding the records as detailed in your request, I have taken account of the following:

- Allowing a public body to hold commercial information, in this case including projected expenditure on a variety of items, without undue access by members of the public.

- That the LDA is not prevented or impeded from the effective pursuit of its legitimate business.

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.

### **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 body'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,*

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 relate to third parties employed outside of the LDA and I am satisfied that the records consist of personal information.

*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.
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records, I have taken account of the following:

- The public interest is not best served by releasing these records.
- That the Organisation can conduct its business in a confidential manner.
- That the integrity of the Land Development Agency's IT security infrastructure is protected.
- That there is a reasonable and implied expectation that sensitive personal information will remain confidential.
- That there is no overriding public interest that outweighs the individual's right to privacy.
- Allowing a public body to hold personal information without undue access by members of the public.

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, 4<sup>th</sup> 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, 2<sup>nd</sup> 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 202427**) is included in the payment details.

You should make your appeal within 4 weeks of 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).



An Ghníomhaireacht Forbartha Talún  
The Land Development Agency

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,

A handwritten signature in blue ink that reads 'M. Szyszko'.

Monika Szyszko,  
Senior Compliance Manager

## Appendix 1: Schedule of Records

Requester name:			Request Re:202427		
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1-6	Record 1 email thread URGENT Projected LDA Capital Spend for 2025	Commercially sensitive information  Email addresses and phone numbers	36  37	Commercially sensitive information  Personal Information	Part-grant
7-8	Record 2 Email thread concerning Summary Public Capital Programme (SPCP) Table	Email addresses and phone numbers	37	Personal Information	Part-grant
9	Record 3 Summary Public Capital Programme (SPCP) Table attachment to above email	NA	NA	NA	Grant
		<b>Total number of pages</b>			9
		<b>Total number of pages for full release</b>			2
		<b>Total number of pages for partial release</b>			7
		<b>Total number of pages being withheld</b>			0

Record 1

**Chris Lowe**

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**From:** Laura Behan (Housing) <[REDACTED]>  
**Sent:** Monday 30 September 2024 19:08  
**To:** Paul Monnelly; Vincent Potter (Housing)  
**Cc:** John Coleman; Róisín Henehan  
**Subject:** RE: URGENT Projected LDA Capital Spend for 2025

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Thanks Paul, we'll go with an even €1bn so.

Regards,

Laura

**Laura Behan**  
Affordable Housing – AHF and LDA Unit

**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
Department of Housing, Local Government and Heritage

**Teach an Chustaim, Baile Átha Cliath 1. D01 W6X0**  
Custom House, Dublin 1, D01 W6X0

M [REDACTED]  
[www.tithiocht.gov.ie](http://www.tithiocht.gov.ie)  
[www.housing.gov.ie](http://www.housing.gov.ie)

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**From:** Paul Monnelly <[REDACTED]>  
**Sent:** Monday 30 September 2024 19:07  
**To:** Laura Behan (Housing) <[REDACTED]>; Vincent Potter (Housing) <[REDACTED]>  
**Cc:** John Coleman <[REDACTED]>; Róisín Henehan <[REDACTED]>  
**Subject:** Re: URGENT Projected LDA Capital Spend for 2025

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Hi Laura/Vincent,

Apologies for the delay in getting back to you.

As per my earlier mail we are still working through our 2025 Budget process and this will not be completed for some time.

A good guide at this point would be €1.0m.

Hope this is sufficient for your briefing, but if you require anything further please let me know.

Thanks and regards,  
Paul.



An Ghníomhaireacht Forbartha Talún  
The Land Development Agency



**Paul Monnelly**

Interim CFO

M: [REDACTED] | [REDACTED]

**The Land Development Agency**

4th Floor, Ashford House, Tara Street, Dublin, D02 VX67

T: +353.1.9103400 | [www.lda.ie](http://www.lda.ie)

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**From:** Laura Behan (Housing) <[REDACTED]>  
**Sent:** Monday, September 30, 2024 5:44:51 PM  
**To:** Paul Monnelly <[REDACTED]>; Róisín Henehan <[REDACTED]>  
**Cc:** Vincent Potter (Housing) <[REDACTED]>; John Coleman <[REDACTED]>  
**Subject:** URGENT Projected LDA Capital Spend for 2025

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Paul and Róisín,

Apologies if there was any lack of clarity on our part but we urgently need the LDA's projected 2025 capital spend for inclusion in the Budget/Estimates publications which are being printed tonight.

As per the Business Plan below will €[REDACTED] be appropriate to use?

Thanks,

Laura

**Laura Behan**

Affordable Housing – AHF and LDA Unit



An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta  
Department of Housing, Local Government and Heritage

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M [REDACTED]  
[www.tithiocht.gov.ie](http://www.tithiocht.gov.ie)  
[www.housing.gov.ie](http://www.housing.gov.ie)

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**From:** Vincent Potter (Housing) [REDACTED] >  
**Sent:** Monday 30 September 2024 17:38  
**To:** Laura Behan (Housing) <[REDACTED]>  
**Subject:** FW: Projected LDA Capital Spend for 2025

going off the most recent LDA 5 year plan (2024-2028) that we have on file from last December then the figure would be €[REDACTED] for 2025  
€[REDACTED], €[REDACTED] in planning costs and €[REDACTED] in land acquisition costs [these appear to be the elements included in the €[REDACTED] figure used last year]

## 5.2 Sources and Uses of Funds

Uses of Funds (EUR m)	Total 2023-28	2023	2024	2025
Capital Expenditure	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Strategic Planning Costs	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Central Overhead	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Land Acquisition	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
NARPS Acquisition	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other Delivery Costs	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Revolving Credit Facility	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Bond Coupon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<b>TOTAL USES OF FUNDS</b>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Vincent

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**From:** Vincent Potter (Housing)  
**Sent:** Monday 30 September 2024 15:22  
**To:** 'Paul Monnelly' <[REDACTED]>  
**Cc:** Róisín Henehan <[REDACTED]>; Barry O'Brien <[REDACTED]>; Eoin O'Connor <[REDACTED]>  
**Subject:** RE: Projected LDA Capital Spend for 2025

Hi Paul

Can you let us have a best estimate figure today please? I am informed that the department would like to include the figure as part of the overall state housing investment figure for the budget book which is due to go to print this evening

Your assistance in this matter would be greatly appreciated

Regards

Vincent

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**From:** Paul Monnelly <[REDACTED]>  
**Sent:** Friday 27 September 2024 12:33  
**To:** Vincent Potter (Housing) <[REDACTED]>  
**Cc:** Róisín Henehan <[REDACTED]>; Barry O'Brien <[REDACTED]>; Eoin O'Connor <[REDACTED]>  
**Subject:** RE: Projected LDA Capital Spend for 2025

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Hi Vincent,

Apologies for the delay in replying.

We are currently in the throes of our 2025 Budget/5-Year Plan process, which will not be concluded for a while yet.

I will get a view of the 2025 Cap Spend to you in by early next week. Trust that this is acceptable to you.

Thanks,  
Paul.



**Paul Monnelly**

Interim CFO

M: ± [REDACTED] | [REDACTED]

**The Land Development Agency**

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**From:** Vincent Potter (Housing) <[REDACTED]>  
**Sent:** Friday 27 September 2024 09:42  
**To:** Barry O'Brien <[REDACTED]>; Eoin O'Connor <[REDACTED]>

Cc: Paul Monnelly <[REDACTED]>

Subject: FW: Projected LDA Capital Spend for 2025

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Hi Barry/Paul

Have you any news on this request please?

Many thanks

Vincent

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**From:** Vincent Potter (Housing)

**Sent:** Friday 20 September 2024 14:59

**To:** 'Paul Monnelly' <[REDACTED]>

**Cc:** 'Barry O'Brien' <[REDACTED]>; Eoin O'Connor <[REDACTED]>

**Subject:** Projected LDA Capital Spend for 2025

Hi Paul/Barry

Do you have a figure for the projected LDA capital spend for 2025 please?

It's for a briefing document for Minister O'Brien.

Many thanks

**Vincent Potter**

Assistant Principal

Affordable Housing AHF & LDA Delivery Unit

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Department of Housing, Local Government and Heritage

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Custom House, Custom House Quay, Dublin D01 W6X0

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M [REDACTED]

T [REDACTED]

[www.housing.gov.ie](http://www.housing.gov.ie)

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Chris Lowe

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**From:** Dean McCann  
**Sent:** Thursday 3 October 2024 17:03  
**To:** Olivia Keenan (Housing)  
**Cc:** Paul Monnelly; Róisín Henehan; Brian Mathews; Aaron Grant (Housing)  
**Subject:** RE: SPCP Table - Budget 2025  
**Attachments:** SPCP Table 2025 (004).xlsx

Hi Olivia,

Please find attached copy of requested.

We are currently working on our 2025 budget, so the figure provided is provisional.

If you have any queries, please let me know.

Thanks,  
Dean



**Dean McCann**  
Financial Accountant  
M: [REDACTED] | [REDACTED]@lda.ie

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**From:** Olivia Keenan (Housing) <[REDACTED]>  
**Sent:** Thursday 3 October 2024 13:09  
**To:** Dean McCann <[REDACTED]>  
**Cc:** Paul Monnelly <[REDACTED]>; Róisín Henehan <[REDACTED]>; Brian Mathews <[REDACTED]>; Aaron Grant (Housing) <[REDACTED]>  
**Subject:** RE: SPCP Table - Budget 2025

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Hi Dean,

A gentle reminder that a return on the below is required and would be great if you can get this to us today.

Kind regards,

Olivia

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**From:** Olivia Keenan (Housing)  
**Sent:** Wednesday 2 October 2024 09:39  
**To:** 'Dean McCann' <[REDACTED]>  
**Cc:** 'Paul Monnelly' <[REDACTED]>; 'Róisín Henehan' <[REDACTED]>; 'Brian Mathews' <[REDACTED]>; Aaron Grant (Housing) <[REDACTED]>  
**Subject:** SPCP Table - Budget 2025

Hi Dean,

For Estimates 2025 please see the attached Summary Public Capital Programme (SPCP) Table. Could you please complete the figures under Budget Cycle 2025 for the LDA and return to us for inclusion in Budget 2025.

With apologies for the tight deadline, could you please send the return to us by COB today.

Kind regards,

Olivia

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**Olivia Keenan**  
Higher Executive Officer  
Planning Governance and Oversight

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**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht**  
Department of Housing, Local Government and Heritage

**Teach an Chustaim, Baile Átha Cliath 1. D01 W6X0**  
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	REV Cycle: 2024 Year: 2024			BUDGET Cycle: 2025 Year: 2025		
	Exchequer	Internal	Total	Exchequer	Internal	Total
V34 - HOUSING, LOCAL GOVERNMENT & HERITAGE (NON VOTED - PPP)	0	0	0	0	0	0
Non-voted:	0	0	0	0	0	0
Ordnance Survey Ireland	0	0	0	0	0	0
Land Development Agency	0	0	0	0	1,000,000	1,000,000
Local Authority & Social Housing	0	0	0	0	0	0
House Purchase & Improvement Loans etc. (incl. H.F.A.)	0	0	0	0	0	0
LA & Social Housing	0	0	0	0	0	0
LA Housing Loans, including *Local Authority Home Loans etc	0	0	0	0	0	0
Water and Waste Water Investment Plan (Irish Water)	0	0	0	0	0	0
Ervia	0	0	0	0	0	0
PPP:	0	0	0	0	0	0
PPP Estimate (Funded by Unitary Payments)	0	0	0	0	0	0

\* Name change from "Rebuilding Ireland"