

19/11/2025

Re: Freedom of Information request 202518 – Request Refused

Dear

I refer to your request dated the 20th of October 2025 and received on the 21st of October 2025 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

- *a copy of the Contract for the purchase of the 86Ha residential development site in Celbridge Co Kildare including its purchase price.*

I wish to inform you that I have decided to refuse your request on the 19th of November 2025.

The purpose of this letter is to explain that decision.

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

Details of your request were provided to the relevant section within the LDA to identify records held which were 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 these records have been refused under Section 35(1)(a), 35(1)(b), 36(1)(b) and 37 of the Freedom of Information Act, 2014. This record is detailed in the Schedule of Records in **Appendix 1**.

I have been informed that much of the information you require is contained in the press release available on the [NAMA website](#).

The LDA holds the contract you have requested. However, the disclosure of the record concerned would constitute a breach of a duty of confidence provided for by a provision of a contract.

Section 35 – Information Obtained in Confidence

35. (1) Subject to this section, a head shall refuse to grant an FOI request if-
(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such

information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or

(b) disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment (other than a provision specified in column (3) in Part 1 or 2 of Schedule 3 of an enactment specified in that Schedule) or otherwise by law.

Public Interest test

There is a Public Interest Test associated with section 35(1)(a) 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 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, in particular in regards the expenditure of public money.
- The public interest in members of the public exercising their rights under the FOI Act.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied.
- In exercising rights under the FOI.

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

- The LDA has a right to protect the flow of information.
- That there was a clear understanding the record would be held in confidence.
- That these records contain a confidentiality clause.
- Disclosure could disclose commercially sensitive information of third parties.
- Protecting the confidentiality of the relationship between the LDA and other parties.

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.

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.

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 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, in particular in regards the expenditure of public money.
- The public interest in members of the public exercising their rights under the FOI Act.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied.

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 this record.
- That the purchase price has been disclosed in a press release.
- Disclosure could give third parties unfair access to private individuals financial affairs.

Access to the contract is refused on the basis that its release would disclose commercially sensitive information. The contract contains detailed pricing, negotiation terms, financial arrangements, and other material that, if disclosed, could prejudice the commercial position of the parties and confer an undue advantage on competitors or third parties in future transactions.

I am not satisfied that the public interest in releasing these specific details outweighs the

significant harm that could reasonably be expected from disclosure. Therefore, the exemption is upheld.

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.

I have identified a number of third parties named within these records.

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 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.

Due to the nature of the personal information included in this record as well as the understanding that the detail of the contract would be held in confidence, I find the public interest better served in refusing your request.

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, 4th Floor, Ashford House, Tara Street, Dublin 2 or by e-mail to foi@lda.ie.

Please note that the 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, 4th 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 202518**) 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 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.



An Ghníomhaireacht um Fhorbairt Talún
The Land Development Agency

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:202518			
Page number	Description of document	of	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1-25	Celbridge Contract September 2025	Sale 26 th	Refused in entirety	Section 35	Information Obtained In Confidence	Refused
			Refused in entirety	Section 36	Commercially Sensitive Information	
			Refused in entirety	Section 37	Personal Information	
			Total number of pages			25
			Total number of pages for full release			0
			Total number of pages for partial release			0
			Total number of pages being withheld			25