

01/12/2025

Re: Freedom of Information request 202519 – Request Part-Grant.

Dear

I refer to your request dated and received on the 3rd of November 2025 which you have made under the Freedom of Information Act 2014 for records held by this FOI body.

Your request sought:

“a)- a copy of any correspondence between the LDA and its parent department with regard to its decision to appeal a decision of the Information Commissioner to the High Court.

b)- a copy of any records held by the CEO John Coleman referring or relating to the decision of the LDA to appeal a decision of the Information Commissioner to the High Court.

c)- a copy of any records held by the CEO John Coleman referring or relating to his comments that legal challenges are too prevalent in Ireland.

All parts of this request to cover the period 24 July 2025 to date.”

I wish to inform you that I have decided to part grant your request on the 1st of December 2025.

The purpose of this letter is to explain that decision.

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

Details of the three 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.

For clarity I will decide on each part of your request separately.

Part A – 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.

The record requested is attached to this decision letter for your information.

A redaction has also been applied to the attached record under Section 32 of the Act. This redaction is detailed in the Schedule of Records in **Appendix 1**.

Section 32(1)(c) states that:

Law Enforcement and Public Safety

32. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(c) facilitate the commission of an offence.

Public Interest Test

There is a Public Interest Test associated with section 32 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 reaching my decision I must balance this public interest against those factors favouring the non-release of this information. I considered the following:

- The public interest in protecting public bodies from the commission of crime.
- That the release of an LDA official's email address would compromise the Information Security infrastructure of the Agency. This is regardless of the seniority of the official but in this case is the CEO.
- That there have been a number of attempted cyberattacks on the LDA to date.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release I have, on balance, decided

that the public interest in preserving the integrity of the information would be better served by withholding the relevant parts of these records.

Part B – Refuse

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.

I have decided to refuse this part of your request.

The records identified within the scope of your request contain legal advice or were prepared for the dominant purposes of pending litigation ([LAND DEVELOPMENT AGENCY v INFORMATION COMMISSIONER H.MCA.2025.0000404](#)). Therefore, legal professional privilege (legal advice privilege and litigation privilege) applies to these records. While a number of these records would not ordinarily attract legal professional privilege on their own, they form part of a continuum of communication which has the purpose of giving and receiving legal advice and relate to pending litigation. The guidance note issued by the Office of the Information Commissioner indicates that for the purpose of the FOI Act, the Commissioner considers communications of this nature to be afforded the same legal professional privilege as the records that they are in part of a series with.

Therefore, I am refusing access to the records under Sections 31(a). These refusals are detailed in the Schedule of Records in **Appendix 1**.

Section 31 states:

Parliamentary, court and certain other matters

“31.(1) A head shall refuse to grant an FOI request if the record concerned—

(a) would be exempt from production in proceedings in a court on the ground of legal professional privilege”.

Part C – Refuse

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 search for records was conducted by the relevant business section following which I was informed that no records were found within the scope of your request. Therefore, I am refusing your request in accordance with Section 15(1)(a) of the Freedom of Information Act 2014, which states:

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.

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 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 202519**) 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.

Yours sincerely,



Monika Szyszko,
Senior Compliance Manager

Appendix 1: Schedule of Records

Requester name:		Request Re:202519				
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision	
Part A						
1	Email from CEO LDA to Dept (Housing) dated 29 August 2025	CEO email address	32	Law enforcement and public safety	Part grant	
Part B						
2-4	Record B1 Email thread	Email thread forming part of a chain of communications for giving or receiving of legal advice	31	Parliamentary, court and certain other matters. Legal Professional Privilege	Refuse	
5-7	Record B2 Email thread	Email thread forming part of a chain of communications for giving or receiving of legal advice	31	Parliamentary, court and certain other matters. Legal Professional Privilege	Refuse	
8-9	Record B3 Email thread	Email thread forming part of a chain of communications for giving or receiving of legal advice	31	Parliamentary, court and certain other matters. Legal Professional Privilege	Refuse	
10-13	Record B4 Email thread	Email thread forming part of a chain of communications for giving or receiving of legal advice	31	Parliamentary, court and certain other matters. Legal Professional Privilege	Refuse	
14	Record B5 Email	Email forming part of a chain of communications for giving or receiving of legal advice – litigation privilege	31	Parliamentary, court and certain other matters. Legal Professional Privilege	Refuse	
15-18	Record B6 Legally privileged record attachment to Record B5	Legally privileged record – litigation privilege	31	Parliamentary, court and certain other matters. Legal	Refuse	



An Ghníomhaireacht um Fhorbairt Talún
The Land Development Agency

			Professional Privilege	
		Total number of pages		18
		Total number of pages for full release		0
		Total number of pages for partial release		1
		Total number of pages being withheld		17

Chris Lowe

From: John Coleman
Sent: Friday 29 August 2025 16:26
To: Eoin Dornan (Housing)
Subject: OIC High Court Challenge

Hi Eoin

As mentioned earlier, we have taken a challenge to the High Court against the ruling of the OIC that we should release our Corporate Risk Register unredacted.

We followed due process internally and determined that release of the unredacted RR could be commercially damaging to the LDA.

Any queries, please give me a shout.

Thanks
John



An Ghníomhaireacht um Fhorbairt Talún
The Land Development Agency



John Coleman
CEO

[\[redacted\]@lda.ie](mailto:john@lda.ie)

The Land Development Agency

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The Land Development Agency, a designated activity company, limited by shares, registered in Ireland at Ashford House, Tara Street, Dublin D02 VX67. No 710453
An Ghníomhaireacht Forbartha Talún, cuideachta ghníomhaíochta ainmnithe, faoi theorainn scalreanna, cláraithe in Éirinn ag Teach Ashford, Sráid na Teamhrach, Baile Átha Cliath D02 VX67. Uimhir 710453