

29/02/2024

**Re: Freedom of Information request 202404 – Request Part Granted.**

Dear,

I refer to your request, dated 30<sup>th</sup> of January 2024 and received the 31<sup>st</sup> of January 2024, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (the LDA).

You requested:

*copies of any records held referring or relating to the LDA decision to absent itself from a meeting with the Oireachtas housing committee. For avoidance of doubt, it is the postponement decision referred to in the following article: <https://www.irishtimes.com/ireland/housing-planning/2023/12/11/land-development-agency-criticised-for-withdrawing-from-housing-committee-meeting/>*

I wish to inform you that I have decided to part-grant your request on the 29<sup>th</sup> of February.

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 any records held which were within the scope of your request.

Two records were identified as being requested by you and there are attached to this decision letter for your information.

**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 involves the disclosure of personal information. I am satisfied that parts of certain records relate to third parties, 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 record, I have taken account of the following:

- The public interest is not best served by releasing this record.
- That the Organisation can conduct their business in a confidential manner.
- 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.
- The IT security infrastructure of the LDA.

Having balanced the public interest factors both for and against the release, I have 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, 2<sup>nd</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 202403**) is included in the payment details.

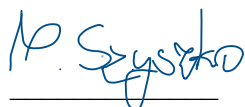
You should make your appeal within 4 weeks of the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Please be advised that the Land Development Agency replies under the Freedom of Information Act 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 Manage

## Appendix 1: Schedule of Records

Requester name:		Request Re:202404			
Record number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1	Letter dated 6 <sup>th</sup> December 2023 from CEO LDA to Chair of JOC	NA	NA	NA	grant
2	Cover email sent December 06, 2023	Email addresses,	37	Personal information	Part-grant
		<b>Total number of pages</b>			2
		<b>Total number of pages for full release</b>			1
		<b>Total number of pages for partial release</b>			1
		<b>Total number of pages being withheld</b>			0

**Mr. Steven Matthews TD,  
Cathaoirleach  
Joint Committee on Housing, Local Government and Heritage**

*Sent by email*

6<sup>th</sup> December 2023

**Re: Land Development Agency ('LDA') and JOC of 12<sup>th</sup> December**

Dear Deputy Matthews,

The LDA is due to meet with the Joint Committee on Housing, Local Government and Heritage (the 'Committee') on 12<sup>th</sup> December.

As we are currently focussed extensively on our funding discussions with the Government, I respectfully request that the LDA's meeting with the Committee be deferred to a suitable date in the new year.

I would be grateful if you could suggest an alternative date, perhaps in January, for the LDA to meet with the Committee at which point we will be happy to update the Committee on the Agency's work.

Yours sincerely,



John Coleman  
Chief Executive

**Chris Lowe**

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**From:** Adrienne Vuotto  
**Sent:** Thursday 29 February 2024 10:39  
**To:** Monika Szyszko; Chris Lowe  
**Cc:** LDA - FOI  
**Subject:** FW: Committee Meeting of 12th December  
**Attachments:** LDA Letter to JOC 06122023.pdf

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**From:** John Coleman  
**Sent:** Wednesday, December 6, 2023 5:57 PM  
**To:** Steven Matthews <[REDACTED]>  
**Cc:** Housing, Local Government and Heritage <[REDACTED]>; Adrienne Vuotto <[REDACTED]>  
**Subject:** Committee Meeting of 12th December

Dear Deputy Matthews,

Please see attached letter requesting deferral of LDA's attendance at the Committee's meeting of 12<sup>th</sup> December.

Regards  
John



**John Coleman**  
CEO  
[REDACTED]

**The Land Development Agency**  
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