



12 April 2021

Eoin Ó Broin, T.D.
Leinster House,
Dublin 2.

Re: FOI-0070-2021

Dear Deputy Ó Broin,

I refer to the request which you have made under the Freedom of Information Act 2014 for records held by this FOI Body, specifically:

- A copy of the most up to date LDA cost rental paper
- Any records related to the LDA proposal for a 'commercial off take mechanism for cost rental' as discussed at the LDA Board meeting of June 2019

Unfortunately, we have not been able to locate records concerning the matter you have requested and as such I cannot progress your request. As is explained below, this decision is made under section 15(1)(a) of the Act.

*Section 15(1)(a) of the Act states that an FOI request may be refused if:
'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken'*

1. Search efforts

In order to confirm that there were no correspondence or records, a search was undertaken for electronic records on the relevant files. These searches have resulted in no records being identified.

As you are aware, the records requested are ones that an external body may have submitted to the Department. Therefore, I also communicated with other relevant officials in this body who would potentially have been involved in the submission of any relevant material, but I have been unable to locate the records concerned.

The specific reference you have highlighted from the Board Minutes of the LDA of June 2019, concerning the "commercial off take mechanism for cost rental" has been found not to have been submitted to the Department for consideration. While we work closely with the LDA in relation to the policy development of Cost Rental, a paper in the manner described has not been submitted.



2. Decision

I have listed above the searches undertaken, and the results of those searches. In accordance with the requirements of section 15(1)(a) I am satisfied that all reasonable steps have been taken to identify and locate the records requested, and I must therefore refuse your request on this basis.

3. Rights of Review

In the event that you are unhappy with this decision you may seek a review of the decision by writing to the Freedom of Information Unit, Department of the Housing, Local Government and Heritage, Newtown Road, Wexford or by sending an e-mail to FOI@housing.gov.ie, seeking an internal review of the matter, referring to or enclosing a copy of this letter. Your correspondence should include a fee of €30 for processing the appeal. Payment can be made by way of personal cheque, made payable to the Department of the Housing, Local Government and Heritage, quoting FOI-070-2021, or alternatively by depositing the relevant amount to the Department of Housing, Local Government and Heritage's account using the details provided in the table below.

Please ensure you quote the FOI request number (FOI-070-2021) when making any such EFT payment. You should forward a copy of your transfer receipt to the FOI Unit at FOI@housing.gov.ie quoting the above reference number also.

Bank	Danske Bank
Address	Irish State Building, 3 rd Floor International House, 3 Harbourmaster Place, IFSC, Dublin 1
Account number	80001341
Sort code	951599
BIC	DABAIE2D
IBAN	IE30DABA95159980001341

This appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body. You should make your appeal within 4 weeks from 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.

Should you have any questions or concerns regarding the above, please contact me by telephone on 087 705 6690.



4. Publication

Please note the Department of Housing, Local Government and Heritage has a policy of posting a summary of all non-personal FOI requests to our website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alan Smyth', with a long horizontal flourish extending to the right.

Alan Smyth
Assistant Principal Officer
Capital Infrastructure and Affordability Unit