



24/08/2015

Jim & Mary Redmond
52 Aberdeen Road
Highbury
London N5 2XB
Tel 00 44 207 359 9088

Appendix 11

Re: FOI request 2015-000038

Dear Mr & Mrs Redmond,

I refer to the appeal which you made under the Freedom of Information Acts 2014 and the acknowledgement letter dated 11th August 2015.

I am a more senior member of the staff of this body than the person making the original decision and I have decided on 24/08/2015 to affirm the original decision on your request. This decision on review is an entirely new and separate decision on your request, and is explained as such below.

Your original request, sought access to the following records:

1. *The sale price of Kilcooley Abbey Estate when sold in December 2013 by NAMA. We would also request a detailed list of all assets acquired in the sale and or any other assets acquired at that time. Please supply copies of the S172 declaration that the purchasers signed to say that they had no connection or conflict of interest on behalf of the parties connected with the purchase and or sale of Kilcooley Abbey Estate.*
2. *Between May 2012 and March 2013 Metro Inn Limited had sale agreed and contracts signed on Kilcooley Abbey Estate, at what price did Metro Inn Limited have sale agreed at. Please supply copies of the S172 declaration that Metro Inn Limited signed to say that they had no connection or conflict of interest on behalf of the parties connected with the purchase and or sale of Kilcooley Abbey Estate. Was this declaration accepted by NAMA. Please provide copies of all information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings relating to Metro Inn Limited proposed purchase and sale agreed/contracts signed.*



3. *All information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings relating to the sale and purchase of Kilcooley Abbey Estate.*
4. *All information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings between NAMA and any other party in relation to the complaints Mr Jim Redmond and Mrs Mary Redmond submitted to NAMA in August 2013 and all information and correspondence relating to the subsequent investigation and findings into that complaint.*
5. *All information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings relating to Kilcooley Abbey Estate between NAMA, Bannon Consultants and Chartered Valuation Surveyors and Colliers International Estate Agents and the legal teams involved in the sale.*
6. *All information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings relating to Kilcooley Abbey Estate between NAMA and Government Departments or Ministers or TDs.*
7. *Details of all interested parties in the purchase of Kilcooley Abbey Estate and the details of any party who was associated with the seller Mr. McCann or his companies.*
8. *Please provide all evidence, articles and copies of documents relating to the full sales and marketing campaign that Bannon, Property Consultants & Chartered Valuation Surveyors, the appointed Receiver, carried out in relation to the sale of Kilcooley Abbey Estate.*
9. *When did NAMA or their representatives become aware that Coillte was selling its leasehold interest in the 950 acres of forestry at Kilcooley Abbey Estate. Who advised NAMA that Coillte was selling the freehold interest.*
10. *All information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings relating to the proposed sale and the sale by Coillte of its leasehold interest in the 950 acres of forestry at Kilcooley Abbey Estate.*
11. *All information and correspondence, including emails, letters, diary entries, notes, internal briefings, audio recordings & meetings relating to the proposed sale and the sale by Coillte of its leasehold interest in the 950 acres of forestry at Kilcooley Abbey Estate including all information and correspondence between the Receivers, Bannon, Property Consultants & Chartered Valuation Surveyors, Colliers International who are acting as the sales agents for sale of the property and working on behalf of Bannon/NAMA, Ester McGahon McGuinness & Co Solicitors and National Asset Loan Management Limited (NALM)*
12. *We would like to request any information or correspondence you have on the proposed development or restoration of Kilcooley Abbey Estate and estate house you have on file. Please provide all documentation relating to the preservation of Kilcooley Abbey Estate during the period that NAMA was responsible for the property.*



In arriving at this decision I have had regard to the original request, the records which were located as part of that request and the appeal letter which you submitted in this regard.

As outlined in the original decision letter, dated 17/7/2015, certain records which fall under the scope of your request fall to be excluded from release under the exemptions as set out in the Freedom of Information Act 2014.

In particular, there are records relating to commercial activity, ie: the purchase of the property in question. The information that you are seeking in your request is not personal to you. As a result, Schedule 1(x)(iii) of the FOI Act specifically excludes records which relate to:

Purchasers of potential purchasers of any asset of loan or of any other asset securing loans held or managed by any of these bodies.

In addition, such information relating to the sale or purchase of a property would be considered personal information. As a result, records relating to this would fall to be excluded from release under 37(1) of the Act which states that:

"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..."

Section 2 of the FOI Act 2014 defines 'personal information' to include:

2(1)(iii) Information relating to the financial affairs of the individual,

and

2(1)(xiii) information relating to the property of the individual (including the nature of the individual's title to any property).

The protection of records which contain commercially sensitive information falls under Section 36(1)(b) of the Act, where release of records can be refused if the record contains:

"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 otherwise in his or her occupation."

I note your arguments set out in your appeal letter. You cite Section 11(8) of the Act. Section 41(1)(b) of the Act relates to the non-release of documents where "the non-disclosure of the record is authorized by any such enactment in certain circumstances and the case is one in which the head would, pursuant to the enactment, refuse to disclose the record".

Section 202 of the NAMA Act prohibits the release of confidential information and as a result, I am affirming the original decision to refuse access to the records which fall under Parts 5 and 8 of your request under Section 202 of the NAMA Act 2009, pursuant to Section 41 of the FOI Act 2014.

I would also refer you to the original decision letter in relation to Parts 9-11 of your request, which refer to the sale of a leasehold interest in forestry by Coillte. As outlined in the original decision

170



letter, such a transaction took place subsequent to the sale of Kilcooley Abbey Estate and NAMA and its agents had no involvement in any such transaction, nor does it hold any records relating to it. As such, these parts of your request fall to be refused under Section 15(1)(a).

In closing, having regard to the aforementioned I have decided to affirm the decision made by the original decision maker in relation to your request.

You may appeal this decision by writing to the Information Commissioner at 18 Lower Leeson Street, Dublin 2. There is a fee of €50 for such appeals, other than appeals against a decision to impose a fee. If you wish to appeal, you must usually do so not later than 6 months from the date of this notification. Should you write to the Information Commissioner making an appeal, please refer to this letter.

Yours Sincerely

John Coleman
National Asset Management Agency.