

Access to Information on the Environment (AIE)

The European Communities (Access to Information on the Environment Regulations) 2007 to 2014 (hereafter referred to as the AIE Regulations), give legal rights to those seeking to access information on the environment from public authorities.

Under the AIE Regulations, information relating to the environment held by, or for, a public authority must, subject to certain exceptions, be provided on request to any person.

The AIE Regulations provide a definition of environmental information, outline the manner in which requests for information may be submitted to public authorities and the manner in which public authorities are required to deal with requests (e.g., timeframes for response). The AIE Regulations also provide for a formal appeals procedure in the event that a person is unhappy with a decision on their request.

Requests under the AIE Regulations should be provided to the public authority concerned.

The AIE Regulations define environmental information as:

“Any information in written, visual, aural, electronic or any other material form on—

- The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements
- Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment
- Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to above as well as measures or activities designed to protect those elements
- Cost-benefit and other economic analyses and assumptions used for the above measures and activities
- the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures that may be affected by the elements of the environment
- Reports on the implementation of environmental legislation.”

When making a request for information under the Access to Information on the Environment Regulations you are required to:

- state that the application is being made under the AIE Regulations and submit it in writing to:

*AIE Officer
Educational Research Centre
DCU St Patrick's Campus
Drumcondra
Dublin 9
D09 AN2F*

Or in electronic form – the email address is: info@erc.ie

- provide your contact details,
- state, in terms that are as specific as possible, the environmental information required,
- and specify the form and manner of access desired

Decision on a request:

A decision on your request may be to grant, part grant or refuse the information requested and must normally be made within one month.

Where a public authority is unable to respond within the one-month timeframe due to the complexity or volume of information requested, they are required to write to the applicant within the month, indicating when a response will issue. This date should not be more than two months from the receipt of the original request.

Transfers

Where a public authority other than the ERC holds the information, the ERC can either transfer the request to the other public authority or advise the applicant of where it believes the request should be directed. In either case, it is required to notify the applicant.

Fees

No fee is charged for the making of a request under the AIE Regulations.

Fees may be charged for the cost of supplying the information, including the staff costs associated with compiling, copying, printing and posting of the information. The charges will only relate to the supply of the information.

- Search and retrieval fee of €20 per hour.
- If an applicant requires hard copies there may be a fee of €0.04 per sheet depending on the volume of information contained in the request

- A charge of €10 applies to the provision of information on CD-ROM if this is necessary.

Details of charges, if any, will be advised in the final decision letter.

There is no charge for requesting an internal review.

An appeal to the Commissioner for Environment Information is €50 or €15 if the applicant is the holder or dependent of a holder of a medical card, or a third party appealing the decision to release certain information.

Can I be refused access to environmental information?

There are a number of grounds on which a public authority can refuse information; these include when a body is acting in a legislative or judicial capacity (Article 3(2)) and both mandatory (Article 8) and discretionary (Article 9) grounds for refusing information. When making a decision on whether to release information, a public body is required to consider the provisions in Article 10.

You may be refused access to some types of information. For example, you may be refused access to draft or incomplete documents, internal communication (such as internal emails) or material that is commercially sensitive. In general, you cannot be refused information about emissions into the environment.

A request for information using the AIE Regulations will be refused if the information is required to be made available under any other statutory provision - for example, where a planning authority is required to publish the information or make a planning file available.

Appealing a decision

Under Article 11 of the AIE Regulations you have a right to seek an internal review of the initial decision. You may also request an internal review if you have not received a response within the appropriate timeframe. An internal review must be requested within one month of receipt of the original decision (the public authority may extend this timeframe but is not required to do so).

An internal review involves a complete reconsideration of the matter by a member of the staff of the ERC, who may affirm, vary or annul the original decision made.

A written outcome of the review informing you of the decision, the reason for the decision and advising you of your right of appeal to the Commissioner for Environmental Information (CEI), including the time limits and fees associated with such an appeal, will be issued to you within one month of the date of receipt of the request for the review.

If you are not satisfied with the outcome of the internal review, you can appeal to the CEI. You must appeal within one month of receiving the decision on the internal review

from the public authority. However, the Commissioner may extend this time limit in individual cases.

Commissioner for Environmental Information

6 Earlsfort Terrace,

Dublin 2,

D02 W773.

Tel: (01) 639 5689

Homepage: <http://www.ocei.ie/>

Email: info@ocei.ie