

# Irish Fiscal Advisory Council

## Access to Environmental Information

---

### 1. WHAT IS AIE?

The European Communities (Access to Information on the Environment) Regulations 2007 came into force on 1 May 2007 and the European Communities (Access to Information on the Environment) (Amendment) Regulations 2011 came into force on 23 December 2011. Both pieces of legislation are to be read together and construed as one and are referred to as the European Communities (Access to Information on the Environment) Regulations 2007 to 2011, and were amended by the European Communities (Access to Information on the Environment)(Amendment) Regulations 2014.

### 2. HOW DO I MAKE A REQUEST FOR ACCESS TO INFORMATION ON THE ENVIRONMENT (AN AIE REQUEST)?

If you wish to seek access to information on the environment under the AIE regulations, you will need to:

- Make your request in writing or via email.
- Indicate that the information is being sought under the AIE regulations.
- Be as clear and specific as possible in making your request and provide as much information as possible to enable the Council to identify the records that you require.
- You don't need to state the reason why you are making the request.
- If you would like to receive access to the information/records requested in a particular format, (e.g. photocopies, electronically etc), please mention this when submitting your request.
- Include a daytime telephone number or email address and your postal address to help us to contact you if any queries arise in relation to your request.
- Requests should be posted to:

The AIE Officer  
IFAC  
Whitaker Square  
Sir John Rogerson's Quay  
Dublin 2

Tel: 01 8632005

Alternatively, requests can be emailed to [admin@fiscalcouncil.ie](mailto:admin@fiscalcouncil.ie).

If you are having difficulty in identifying the precise records that you require, the administrator of the Council will be happy to help you.

The Council will acknowledge receipt of your request in writing or via email within 10 working days. The acknowledgement letter will also provide you with the name and contact details of the person who will be making the decision in relation to your request and will advise you when you can expect to receive this decision.

### **3. WHAT FEES ARE PAYABLE IN RELATION TO MY AIE REQUEST?**

There is no application fee payable for submitting a request for information under the AIE regulations. There is no fee payable for the process of searching for and retrieving the records relevant to your request.

In accordance with the regulations, the Council may charge a reasonable fee for supplying information on the environment, (which includes the cost of compiling, photocopying, printing and posting). This Council has set these fees as follows:

**€0.04** may be charged per sheet for a photocopy of the records released, depending on the volume of information relevant to the request.

**€10.16** may be charged for a CD-ROM containing copies of documents.

These charges may be waived where the total cost of supplying the information is estimated to be less than €10.

There is no fee payable if you wish to view the relevant documents on site in the offices of the Council or if you wish to receive electronic versions of the documents via email. You will be advised of any charges payable in a letter setting out the Council's decision in relation to your request.

No fee is payable if you wish to seek an internal review of the Council's initial decision in relation to your request (see below). If you are dissatisfied with the outcome of the internal review process and wish to submit an appeal to the Commissioner for Environmental Information, a fee of €50 is payable. A reduced fee of €15 is payable by a holder (or dependent of a holder) of a medical card or by a third party appealing the decision to release certain information.

### **4. HOW WILL MY REQUEST BE DEALT WITH BY THE COUNCIL?**

The Council will acknowledge receipt of your request in writing or via email within 10 working days. The acknowledgement letter will also provide you with the name and contact details of the person who will be making the decision in relation to your request and will advise you when you can expect to receive this decision.

The Council will make every effort to respond to your AIE request within one month of receipt of the request. If the Council are unable to do so due to the complexity of the request or the volume of information required, the Council will write to you within one month to indicate when a response will issue. The response will issue not more than

two months from the receipt of the original request, in accordance with the AIE regulations.

If the Council does not hold the information that you request, the Council will either transfer your request to the relevant public authority or advise you of where the Council believe the request should be directed. If you are seeking information that has been provided to the Council on a voluntary basis by a third party and the Council are of the view that release of that information may adversely affect the third party, the Council must consult with the third party before making a final decision in relation to your request. The Council will make all reasonable efforts to seek the consent of the third party to release the information.

## 5. WHEN WILL MY REQUEST BE REFUSED?

The AIE regulations distinguish between the mandatory grounds by which a public authority must refuse access to information and the discretionary grounds under which the authority may refuse access to information. These grounds are explained in detail in the attached '*Guidelines for Public Authorities and others on the implementation of the European Communities (Access to Information on the Environment) Regulations 2007 – 2011, European Communities (Access to Information on the Environment)(Amendment) Regulations 2014*'.

In summary, subject to the provisions of Article 10, the Council is obliged to refuse to make information available which comes within the provisions of Article 8 of the regulations, i.e. information that comes within the following categories:

- Personal Information;
- Material supplied by a third party where the third party has provided information on a voluntary basis and has not consented to its release;
- Material, where the disclosure of this information would make it more likely that the environment to which such material related would be damaged;
- Information relating to such proceedings where the confidentiality of the proceedings is protected by law;
- Information concerning discussions at meetings of the Government.
- Article 9 of the regulations provides a number of grounds whereby a public authority may refuse to make information on the environment available if it considers it appropriate to do so. These provisions must be applied subject to the provisions of Article 10.
- Environmental information affecting international relations, national defence or public security;
- Environmental information relating to anything which is the subject matter of legal proceedings, past or present formal enquiries, or preliminary investigations, e.g. information concerning intended prosecution of offences, information affecting enforcement proceedings, material arising from public or disciplinary enquiries and information relation to proceedings instituted by the European Commission;

- Where the release of information could be detrimental to the commercial interests of an individual or company and the protection of this information has been provided for in national or community law to protect a legitimate economic interest;
- Where the release of information would adversely affect intellectual property rights;
- Public authorities are not obliged to release material that is incomplete or in preliminary or draft form, such as reports or studies;
- Information included in the internal communications of a public authority may be protected from release where there are good and substantial reasons for doing so.
- Article 9.2 provides that a public authority may refuse to make information available if the request is considered unreasonable due to the range of material sought, if the request is too general, or if the material requested is not completed. If this situation arises, the Council will do our utmost to assist you to refine or clarify your request to enable you obtain the information that you require.

## 6. WHAT CAN I DO IF I AM UNHAPPY WITH THE COUNCIL'S DECISION?

Article 11 of the regulations provides you with the right to seek an internal review of the Council's initial decision in relation to your request if:

- You are dissatisfied with the initial response received; or if
- You have not received a reply within the appropriate timeframe.

An internal review must generally 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. There is no charge for requesting an internal review. The internal review involves a complete reconsideration of the matter by a member of the staff of the Council, who may affirm, vary or annul the original decision made. It will be carried out by a member of the Audit Committee who was not involved in the original decision making process. The Council must complete its internal review of the original decision within one month of receipt of the request for an internal review. A request for an internal review must be submitted within 4 weeks receipt of the initial decision and requests should be posted or emailed to:

Address:  
 The AIE Officer  
 IFAC  
 Whitaker Square  
 Sir John Rogerson's Quay  
 Dublin 2  
 Email: [admin@fiscalcouncil.ie](mailto:admin@fiscalcouncil.ie)  
 Tel: 01 8632005

The official who undertakes the internal review will write to you within one month of the date of receipt of the request for the review and will explain the 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, including the time limits and fees associated with such an appeal.

If you are still dissatisfied following completion of the internal review, you may also seek an independent review of the Council's decision from the Commissioner for Environmental Information (CEI). You must appeal within one month of receiving the decision on the internal review from the Council. However, the Commissioner may extend this time limit in individual cases.

Appeals should be made in writing and can be made directly to the Commissioner for Environmental Information (CEI) at the address below. You can also submit your appeal online by clicking on the link

<https://www.ocei.gov.ie/en/Make-an-Appeal/Appeal-Online/> .

Appeals should be accompanied by a fee of €50 (€15 for medical card holders). Fees should be submitted in the form of a postal order, Bank Draft or cheque made payable to the Office of the Commissioner for Environmental Information (CEI) to:

Address: Office of the Commissioner for Environmental Information  
18 Lower Leeson Street, Dublin 2  
Lo-Call: 1890 253 238  
Tel: 01 639 5689  
Fax: 01 639 5674/5676  
Email: [info@ocei.gov.ie](mailto:info@ocei.gov.ie)

## 7. Where can I find more information?

If you would like to submit a request for access to information on the environment to this Council or if you have any general queries in relation to the operation of the regulations in this Council generally, please feel free to contact the FOI/AIE Unit (details below) and the Council will be happy to help you.

Address:  
The AIE Officer  
IFAC  
Whitaker Square  
Sir John Rogerson's Quay  
Dublin 2  
Email: [admin@fiscalcouncil.ie](mailto:admin@fiscalcouncil.ie)  
Tel: 01 8632005

Further general information in relation to the *European Communities (Access to Information on the Environment) Regulations 2007 to 2011*, European Communities (Access to Information on the Environment)(Amendment) Regulations 2014 can be found on the website of the Council of the Environment, Community and Local Government, by clicking on the link below

<http://www.environ.ie/en/Environment/AccessToInformationontheEnvironment/> .

You can visit the website of the Office of the Commissioner for Environmental Information at [www.ocei.gov.ie](http://www.ocei.gov.ie).

You may also find these documents helpful – they give a useful overview of the operation of the regulations in Ireland:

[Guidelines for Public Authorities and others on the implementation of the European Communities \(Access to Information on the Environment\) Regulations 2007 – 2011](#)(10,142 kb)

[Flowchart which outlines how a request for access to information on the environment should be dealt with by public authorities](#)(469 kb)

[Process Map which outlines the AIE process in Ireland](#)(213 kb)