

## **Access to Information on the Environment**

The European Communities (Access to Information on the Environment) Regulations 2007 (S.I. 133 of 2007), give legal rights to those seeking access to information on the environment from public authorities. The Regulations came into effect on 1 May 2007, repealing the previous legislative instrument, the European Communities (Access to Information on the Environment) Regulations 1998.

### **General Information**

Subject to certain exceptions, information relating to the environment held by, or for, a public authority must be made available on request to any person. The Regulations provide a definition of environmental information and outline the manner in which requests for information may be submitted to public authorities. The Regulations also provide for a formal appeals procedure in the event that a person is unhappy with a decision on their request.

### **Frequently asked Questions**

*What is the difference between AIE and Freedom to Information (FOI)?*

The Access to Information on the Environment Regulations operates in parallel with the Freedom of Information Act 2014. While the two legislative codes are broadly similar (with respect to environmental information), the AIE Regulations and FOI Acts differ in that a wider range of public authorities are covered by the AIE Regulations than by FOI legislation. There are also material differences in the grounds under which access to information can be refused under the two legislative codes.

*Is there a charge for getting information under the AIE Regulations?*

There is no initial fee required when lodging a request for information under AIE. A Public Authority may however, charge a reasonable fee when it makes available environmental information in accordance with the Regulations. Depending on the volume of information to be released, the Pobal may charge for the time spent retrieving records which could, for example, include the cost of staff or other costs connected with searching, retrieving (€20.95 per hour), compiling or copying of the information (4 cent per sheet).

*How do I make an AIE request?*

Applications for Access to Information on the Environment should be made to the

Freedom of Information Officer,  
Pobal  
Holbrook House  
Holles St  
Dublin 2  
D02EY84  
Tel: 01 511 7000

Email: [mconnolly@pobal.ie](mailto:mconnolly@pobal.ie)

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
- Submit it in writing by post, email or fax
- Provide your contact details
- Specify the form and manner of access desired

Normally you should be notified of the decision on your request within 1 month of its receipt.

*What can I do if I am unhappy with a decision on my request?*

If you consider that your original request for environmental information was refused wholly or partially, or was otherwise not properly dealt with in accordance with the provisions of the AIE Regulations, you may, not later than one month following the receipt of the decision of Pobal, request (is this correct terminology? Are we a public authority?) to carry out an internal review of the decision in part or in whole.

Note that no fee will be charged for the internal review process.

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, 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.

*How do I make an appeal to the Commissioner for Environmental Information?*

A written appeal should be submitted to the Commissioner for Environmental Information at the:

Office of the Commissioner for Environmental Information,  
18 Lower Leeson Street,  
Dublin 2 D02 HE97

Telephone: 01- 6395689

Further contact details and information on the Commissioner's Office are contained on the Office of the Information Commissioner (OIC) website at [www.oic.ie](http://www.oic.ie).

The AIE Regulations provide that a fee of €150 must be charged for an appeal to the Commissioner for Environmental Information. However, provision is also made for a reduced appeal fee of €50 for medical card holders and their dependents and also for people, not party to the original request for access to information, who are appealing a decision to release information which they believe will affect them.

*AIE Regulations 2007 Guidance Notes*

Further information on the AIE Regulations, including more detailed information on the above Frequently Asked Questions, is set out in the Official Guidelines which accompany the AIE Regulations. These Guidelines are intended to assist and offer guidance to public authorities on the implementation of the AIE Regulations and to applicants who wish to access environmental information.

The full text of the AIE Regulation (S.I. 133 of 2007) are available at

<http://www.environ.ie/en/aboutus/accesstoinformationontheenvironment/rhlegislation/filedownload,2479,en.pdf>

Copies of the Guidance Notes can be accessed at

<http://www.environ.ie/en/AboutUs/AccessToInformationontheEnvironment/RHLegislation/FileDownload,2481,en.pdf>