

Access to Information on the Environment (AIE)

European Communities (Access to Information on the Environment) Regulations 2007 to 2011 (S.I. No. 133 of 2007 and S.I. No. 662 of 2011) (hereafter referred to as the AIE Regulations), give legal rights to those seeking to access information on the environment from public authorities.

Under these regulations, information relating to the environment held by, or for, a public authority must be made available on request, subject to certain exceptions. The AIE regulations also oblige public authorities to be proactive in disseminating environmental information to the public.

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 regulations also provide for a formal appeals procedure in the event that a person is unhappy with a decision on their request.

What public bodies are subject to AIE?

The AIE Regulations broadly define “public authorities” to encompass all bodies that have a role in public administration and that possess environmental information. It is important to note that this definition is broader in scope than the definition of “public body” in the FoI Acts.

Under the 2011 Regulations, the Minister is required to publish an indicative list of public authorities that are subject to the AIE Regulations. These are:

- Government Departments e.g. the Department of Environment, Community and Local Government
- Local authorities e.g. Cork County Council,
- Non-commercial state agencies e.g. the Environmental Protection Agency,
- Commercial state agencies e.g. EirGrid,
- Regulatory bodies e.g. the Commission for Energy Regulation

What is environmental information?

The AIE Regulations define environmental information as:

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

1. 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,

2. 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,
3. 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 in paragraphs (1) and (2) as well as measures or activities designed to protect those elements,
4. reports on the implementation of environmental legislation,
5. cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (3), and
6. 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 inasmuch as they are, or may be, affected by the state of the elements of the environment referred to in paragraph (1) or, through those elements, by any of the matters referred to in paragraphs (2) and (3);”

The AIE Regulations provide for access to both environmental information held by or for a public authority.

How Do I Make an AIE Request

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

Information Officer,
Department of Defence
Station Road
Newbridge
Co. Kildare
or email: foi@defence.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 and submit it in writing or electronic form
- 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.

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

If you have any queries the Information officer can be contacted at foi@Defence.ie

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

As provided for in 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 for supplying environmental information in accordance with the Regulations.

- 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 €10.16 applies to the provision of information on CD-ROM.

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

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 from the Department, request that the Department carry out an internal review of the decision in part or in whole.

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.

Telephone: 01- 639 5689 or email info@ocei.ie

Further contact details and information on the Commissioner's Office are contained on the Office of the Information Commissioner (OIC) website at www.ocei.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.