

# **Access to Information on the Environment (AIE)**

## **Introduction**

This guide provides general information on the European Communities (Access to Information on the Environment) Regulations 2007 - 2011.

## **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 Jobs, Enterprise and Innovation,
- 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

## **How to make an AIE application**

When making a request for information under the AIE 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
- if you require the information in a specific format or manner of access, you should specify this in your request.

It is not necessary to state an interest in the request.

## **Fees**

There is no initial fee for making an application under the AIE Regulations. However, a public authority may charge a reasonable fee for supplying the information requested. This may include the costs of compiling, copying, printing or posting of information.

Public authorities may not charge for access to registers or lists of environmental information or for the examination of such information in situ.

Public authorities must make publicly available a list of fees, if any, charged for the provision of environmental information.

There is no charge for applying for an internal review. It costs €150 to take an appeal to the Commissioner for Environmental Information, or €50 if you are the holder, or dependent of a holder of a medical card, or a third party appealing the decision to release certain information.

## **Requirements for dealing with requests**

In general, a public authority is required to respond to an AIE request within one month of receipt of the request. Where, due to the complexity or volume of information required, a public authority is unable to respond within the one month timeframe, 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.

If the public authority does not have the information requested it can either transfer the request to another 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.

## **Grounds for refusing 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.

### **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). There is no charge for requesting an internal review.

An internal review involves a complete reconsideration of the matter by a member of the staff of the public authority, 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, 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 Commissioner for Environmental Information (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.

### **Information on the Environment held by The Injuries Board**

Due to the nature of the work performed by the Injuries Board, there is only a limited amount of information on the environment held by the Board. Information on the Board's Energy Management Programme is published in its Annual Report each year, although it should be noted that the Board co-occupies its premises with other bodies and therefore has limited control over the energy usage in the building as a whole.

### **Making a Request for Information on the Environment to the Injuries Board**

To make a request please address your correspondence to:

Access to Information on the Environment  
Corporate Services  
Injuries Board  
PO Box 9732,  
Tallaght,  
Dublin 24

or email [fiona.barry@injuriesboard.ie](mailto:fiona.barry@injuriesboard.ie)

Your request should mention that the application is being made under the AIE Regulations and state, in terms that are as specific as possible, the environmental information required.

You must also provide your contact details so that we can correspond with you. If you require the information in a specific format or manner of access, you should specify this in your request.