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# Access to Information on the Environment (AIE)

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## Introduction

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.

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## Definition of Environmental Information

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 in paragraphs (1) and (2) as well as measures or activities designed to protect those elements,
- reports on the implementation of environmental legislation,
- cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (3), and
- 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 in as much 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).”

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## How to make an AIE application

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

### **AIE Officer**

**Address:** Freedom of Information Unit, Tax Appeals Commission,

Fitzwilliam Court, Leeson Close, Dublin 2, D02 YW24

Email: [foi@taxappeals.ie](mailto:foi@taxappeals.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 ([foi@taxappeals.ie](mailto:foi@taxappeals.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

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

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## 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.

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.

There is no charge for applying for an internal review.

It costs €150.00 to take an appeal to the Commissioner for Environmental Information, or €50.00 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.

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## **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 else advise the applicant of where it believes the request should be directed. In either case, it is required to notify the applicant.

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## **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.

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## **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.

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## **Further Information**

Further general information on the European Communities (Access to Information on the Environment) Regulations including background information on the legislation, useful publications and links to other relevant bodies is available at [www.environ.ie](http://www.environ.ie).