

Mr. Ashley Glover  
By email: Right To Know [requests@righttoknow.ie](mailto:requests@righttoknow.ie)

24<sup>th</sup> June 2022

**Re: Internal Review of EPA Decision Reference: OEE AIE 2022 15 (re: Dataset of Geographic locations of National Septic Tank Inspections)**

Dear Mr. Glover

I refer to the appeal which you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 for records held by the Environmental Protection Agency dated and received by the EPA on 26<sup>th</sup> May 2022.

I am the Information Officer who carried out the internal review of your requests for information. I decided, on 23<sup>rd</sup> June 2022, to affirm the original decision.

This decision on review is an entirely new and separate decision on your request and is explained as such below.

I note that you have appealed the original Decision on the following grounds. I have grouped these below and responded to each group:

- *The data refused removes all transparency from the domestic wastewater inspection regime.*
- *The actual AIE was for the mapping data, and by redacting the co-ordinates, townlands and shp files, the data is rendered effectively unusable by the public*
- *Environmental data should be published by default, particularly locations of potential/actual pollution inspections*
- *Public interest in an open and transparent national septic tank inspection regime*

Response:

The information that has been removed from the file is information that will or could lead to the identification of a person/persons. To release this information would contravene the mandatory refusal at Article 8(a)(i) of the AIE Regulations.

The National Inspection Plan is a public document available at <https://www.epa.ie/publications/compliance--enforcement/waste-water/national-inspection-plan-for-domestic-waste-water-treatment-systems-2022-2026.php>. The Plan is developed through a public consultation process via the link <https://www.epa.ie/publications/corporate/consultations/-consultations/national-inspection-plan-2022--2026-draft-for-consultation.php>.

It is reported on every year, and again published online. The 2021 report is scheduled to be published by the end of June. Previous years reports can be found here:

<https://www.epa.ie/publications/compliance--enforcement/waste-water/>

For example, the 2020 and 2019 reports are available at

<https://www.epa.ie/publications/compliance--enforcement/waste-water/domestic-waste-water-treatment-system-inspections-2020.php> and

<https://www.epa.ie/publications/compliance--enforcement/waste-water/domestic->

[waste-water-treatment-systems-dwwts-inspections-and-enforcement-2019.php](http://www.epa.ie/environment-and-you/waste-water/waste-water-treatment-systems-dwwts-inspections-and-enforcement-2019.php)

respectively.

There is also information for householders online on the inspection process, remediation of Domestic Waste Water Treatment Systems, grants, etc. at the following links <https://www.epa.ie/environment-and-you/waste-water/>  
<https://www.epa.ie/environment-and-you/waste-water/inspections--repair/#d.en.85596>.

In addition to the above, the Department of Housing, Local Government and Heritage also have a webpage with information including grants and there will be information available from the Local Authorities who conduct the inspections and administer the grants systems:

<https://www.gov.ie/en/publication/6cc1e-domestic-waste-water-treatment-systems-septic-tanks/?referrer=http://www.housing.gov.ie/water/water-quality/domestic-waste-water-systemsseptic-tanks/domestic-waste-water-treatment-1>

- *Adjoining properties have a right to know, as could adversely impact their lands, water supplies, farm payments etc*

Response:

The data does not distinguish whether a DWWTS could be adversely impacting on adjoining properties. The outcome recorded in the data is whether the DWWTS is 'compliant' or 'non compliant' which refers to a range of technical and legal criteria.

- *Location of environmental hazards is absolutely core to AIE process (threats to human health and safety)*

Response:

The information that has been removed from the file is information that will or could lead to the identification of a person/persons. To release this information would contravene the mandatory refusal at Article 8(a)(i) of the AIE Regulations.

- *EPA approach to redacting environmental enforcement data undermines the local authority process of enforcement inspections*

Response:

This has no bearing on Local Authority enforcement. It is the Local Authority who completes the inspections and enters the data in the DWWA system. They have full access to their own information.

- *Faulty systems can contaminate household wells and pollute river, so this data should be available to the public, to eNGOs, Lawpro, and community groups such as Rivers Trusts*
- *For comparison, the inspection regime for non-domestic wastewater inspections is open and transparent, and information on site inspections of Irish Water's WWTPs is readily available in a format that allows identification of the sites/locations of inspections.*

Response:

The information that has been removed from the file is information that will or could lead to the identification of a person/persons. To release this information would contravene the mandatory refusal at Article 8(a)(i) of the AIE Regulations.

The National Inspection Plan is a public document, developed through a public consultation process and published online. It is reported on every year, and again published online. There is also information for householders online on the inspection process, remediation of Domestic Waste Water Treatment Systems, grants, etc. Relevant links have been provided in my first response above.

## **Findings, particulars and reasons for decision to deny access**

Having considered your appeal and having carried out my internal review, I am to advise as follows:

The Articles of the above referenced Regulations which can apply to deny access to records are known as its exemption provisions. I consider the following exemption provisions applicable to my internal review:

- a) Article 8(a)(i) of the above referenced AIE Regulations, provides that a public authority shall refuse access to information which would disclose personal information.

I am of the opinion that the following information should remain excluded from the excel record being provided to you as part of my Internal Review Decision because it is personal information which, if released to the world at large, is liable to identify a person/persons:

- (1) Easting Co-ordinates
- (2) Northing Co-ordinates
- (3) Townland ID
- (4) Shape GIS Details
- (5) Waste Water Disposal ID
- (6) System Design PE
- (7) Shared System
- (8) Total Contributing PE
- (9) Number Linked Properties

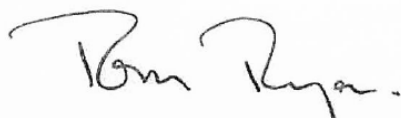
I have considered the public interest in releasing the information that has been redacted and bearing in mind the public interest in transparency and openness of public bodies and in having decision making processes open to the public, on balance, I find that the public interest lies in protecting the privacy of individuals who may be identified through the release of the information.

### **Rights of appeal**

You may appeal this decision to the Commissioner for Environmental Information online at [www.ocei.ie](http://www.ocei.ie) or in writing to 6 Earlsfort Terrace, Dublin 2. There is a fee of €50 for such appeals, other than appeals against a decision to impose a fee. A reduced fee of €15 applies to holders of medical cards or dependents of medical card holders. If you wish to appeal, you must do so not later than one month from the date of this notification. Should you write to the Commissioner for Environmental Information making an appeal, please refer to this letter.

If an appeal is made by you, the Commissioner for Environmental Information will fully investigate and consider the matter and issue a fresh decision.

Yours sincerely



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Dr. Tom Ryan  
Director  
Office of Environmental Enforcement

**AIE 2022 15 Schedule of Records – Internal Review Decision**

<b>Record No.</b>	<b>Date of Record</b>	<b>Brief Description of Record</b>	<b>Description</b>	<b>Decision Grant/Part Grant/Refuse</b>	<b>Basis for Refusal – Article of Regulations</b>	<b>Public Interest Test</b>
<b>1</b>	<b>24/05/22</b>	<b>Spreadsheet of Domestic Waste Water Treatment System</b>				
		Location Data: ID		Grant – provided previously		
		Site ID		Grant – provided previously		
		Easting Co Ordinates		Refuse	Personal Information – 8(a)(1)	See attached letter
		Northing Co Ordinates		Refuse	Personal Information – 8(a)(1)	See attached letter
		Local Authority ID		Grant – provided previously		
		Townland ID		Refuse	Personal Information – 8(a)(1)	See attached letter
		Site Status ID		Grant – provided previously		
		Waste Water Disposal ID	This refers to whether waste water disposal is to a 'Domestic waste water treatment system' or 'Drain (none)'	Refuse	Personal Information – 8(a)(1)	See attached letter
		System Design PE	Under the current Code of Practice, this is explained as follows: The total design waste water load should be established from the maximum population that can inhabit the premises (population equivalent, PE), based on the number of bedrooms. For the purposes of this CoP the minimum house size is two bedrooms, which equates to a design capacity of 4 PE. For every additional bedroom, irrespective of size, an additional 1 PE should be added, as shown in Table 3.2.	Refuse	Personal Information – 8(a)(1)	See attached letter
		Shared System	This refers to whether the Domestic Waste Water Treatment System is connected to a single house only or whether it is shared by one or more properties.	Refuse	Personal Information – 8(a)(1)	See attached letter
		Total Contributing PE	This refers to the actual population equivalent (PE) on the ground, as opposed the design PE as explained in 2 above.	Refuse	Personal Information – 8(a)(1)	See attached letter
		Coordsat Dwwts Inlet		Grant – provided previously		
		Estimated Distance to Inlet		Grant – provided previously		
		Number Linked Properties		Refuse	Personal Information – 8(a)(1)	See attached letter
		Shape GIS Details		Refuse	Personal Information – 8(a)(1)	See attached letter