

Ashley Glover  
Right to Know CLG  
25 Herbert Place, Dublin 2  
[requests@righttoknow.ie](mailto:requests@righttoknow.ie)

17 June 2022

**Reference: AIE request No 009 on bottled water**

Dear Ashley

I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for access to information held by the Food Safety Authority of Ireland (FSAI) relating to bottled water.

**The original scope of the request:**

- 1) List of bottled water plants, with their names and locations that fall within the FSAI regime, for natural mineral water, spring water and 'other' water
- 2) Summary report on the microbiological safety of bottled water for 2021
- 3) Copy of the inspection report / enforcement letter for each bottled water plant where exceedances were detected in 2020, 2021 and 2022
- 4) Details of any referral to competent authorities in other countries of origin where samples in Ireland tested unsatisfactory

**Following our phone conversation on the 20 May, you clarified that the scope of bullet no 4 is:**

- the record of the initial notification to the competent authority in the country of origin
- regarding unsatisfactory results from microbiological and chemical testing of samples

- for the period ‘in the recent past’ – meaning 2021 and 2022; or just 2022, in the event of a large volume of records.

### Summary of Decision

I have reviewed the records and made my decision, on the 17 June 2022, to part release as follows:

- Regarding bullet no 1, one record was retrieved and is being release in full
- Regarding bullet no 2, I explained in our phone conversation that work on producing the report of the survey conducted last year has not yet started and that the report is due to be published by the end of this year. This is therefore refused under Article 9 (2) (c) of the AIE Regulations which - “concerns material in the course of completion, or unfinished documents or data”
- Regarding bullet no 3, I explained in our phone conversation that FSAI does not hold those records. They are held by HSE who works under contract to the FSAI. It was my understanding that you were going to contact HSE directly, so I have not transferred this request to HSE.
- Regarding bullet no 4, 7 records were retrieved, and I am refusing release based on Article 8 (a) (iv) of the AIE Regulations regarding - “the confidentiality of the proceedings of public authorities, where such confidentiality is otherwise protected by law”. It is my understanding that to release would be a breach of Article 18 of S.I. No. 79 of 2020 European Union (Official Controls in Relation to food legislation) Regulations 2020

As a result of our phone conversation, I produced the following summary information in relation to bullet no 4 and **I am providing this information outside of AIE**, as I believe this summary contains the information you are interested in receiving:

| Date of referral | Type of water         | Country where bottled | Unsatisfactory result  |
|------------------|-----------------------|-----------------------|------------------------|
| 2021             | Natural mineral water | Germany               | coliform               |
| 2021             | Other water           | Northern Ireland      | coliform               |
| 2021             | Other water           | Northern Ireland      | Pseudomonas aeruginosa |
| 2021             | Natural mineral water | Bulgaria              | Pseudomonas aeruginosa |
| 2022             | Other water           | Northern Ireland      | Off taste              |

## **Schedule of records**

I have attached a schedule of records with this letter. This lists the records that I consider relevant to your request. It provides the decision I have made on each record. Where I have decided to refuse access to a record, it specifies the Article of the AIE Regulations under which this refusal has been made.

## **Emissions**

In reaching the above decision and where information has been refused under Article 8, I have in accordance with Article 10(1), examined whether your request relates to information on emissions into the environment and have determined that it does not.

## **Public interest test**

Regarding the refusal to release the 7 records retrieved under bullet no 4, in accordance with Article 10(3) and 10(4) I have weighed the public interest served by disclosure against the interest served by refusal of your request. I have determined that the public interest would not be served by disclosing the information you request. The risk assessments were based on the [report of FSAI's Scientific Committee on the consumption of bottled water containing certain bacteria or groups of bacteria and the implications for public health](#) and appropriate action was taken. Furthermore, I have made relevant summary information from these 7 records available outside of AIE.

## **Right of review**

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Department, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by writing to Fiona Dwyer, AIE Officer, at [aie@fsai.ie](mailto:aie@fsai.ie) referring to this decision, quoting the AIE reference number (AIE 009). This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Please contact me at 087 9040532 or [loconnor@fsai.ie](mailto:loconnor@fsai.ie) if I can assist you further in any matter relating to your request.

Yours sincerely,



Lisa O'Connor

Chief Specialist Biological Safety