



Right to Know
25 Herbert Place
Dublin 2

Headquarters, PO Box 3000
Johnstown Castle Estate
Co Wexford,
Y35 W821, Ireland

By email only: requests@righttoknow.ie

Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Bhaile Sheáin
Contae Loch Gharman,
Y35 W821, Éire

12 May 2023

T: +353 53 916 0600
F: +353 53 916 0699
E: info@epa.ie
W www.epa.ie
LoCall: 1890 33 55 99

Re: AIE request OCCS AIE 2023 03

Dear Sir/Madam

I refer to your request which 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 the following environmental information held by the Environmental Protection Agency.

Under the AIE Regs to request copies of EPA Board Meeting Minutes for the years 2021, 2022 and 2023.

The scope of the request was confirmed on 11 April 2023 to include the full set of 110 minutes within the timeframe of the request.

Summary of Decision

I made a decision on your request on 12 May 2023. As mentioned above, I have identified 110 records which relate to your request. I have decided that you should be granted access in full to 67 records and I attach numbered copies (numbers 4, 6, 7, 10, 11, 13, 15, 17-19, 21, 23, 25, 27, 28, 30-34, 36, 37, 39-41, 43, 44, 46-52, 54-57, 59-69, 71, 73-75, 77, 78, 80, 81, 83, 84, 87, 88, 91, 97, 104, 105, 107 and 110). Please note that 31 of these records have information redacted. These redactions are made where the information concerned is not environmental information as defined in the AIE Regulations. Such information includes Human Resources information, Corporate Governance information, ICT information and procurement information relating to such corporate functions. Where such corporate information does contain environmental information, this has been provided e.g. EPA budgets and Work Programmes. Votes of sympathy have also been redacted as these are not environmental information.

I am granting access to the remaining 43 records with some information redacted by reasons set out below and I attach these records, numbers 1-3, 5, 8, 9, 12, 14, 16, 20, 22, 24, 26, 29, 35, 38, 42, 45, 53, 58, 70, 72, 76, 79, 82, 85, 86, 89, 90, 92-96, 98-103, 106, 108 and 109:

- Article 8(a)(i) of the AIE Regulations protects the confidentiality of personal information relating to a natural person who has not consented to the disclosure of the information, and where that confidentiality is otherwise protected by law personal information relating to a third party. There are 14 instances of third parties being named in the minutes and such names have been redacted to protect individual's privacy in accordance with the provisions of the General Data Protection Regulation and Data Protection Act 2018.
- The confidentiality of the proceedings of public authorities, where such confidentiality is otherwise protected by law (including the Freedom of Information Acts 1997 and 2003 with respect to exempt records within the meaning of those Acts) is protected from an adverse effect under Article 8(a)(iv) of the AIE Regulations. I have redacted nine records due to such proceedings including management of the EPA's functions (section 30(1)(b) of the FOI Act applies), 23 records due to such proceedings concerning legal cases, judicial reviews, proposed legal cases (sections 31(1)(a) and 32(1)(a) of the FOI Act apply), and three records where the proceedings refer to commercially and financially sensitive information (section 36(1)(b) of the FOI Act applies).
- In addition to sections 31(1)(a) and 32(1)(a) of the FOI Act applying above, there are also 23 incidences of Article 9(1)(b) applying where such legal cases arise in the records.
- There is one record (number 98) where the record is partly-redacted to allow for internal communication to be undertaken in accordance with Article 9(2)(d).

The application of such exceptions is outlined in the Schedule of Records attached to this decision.

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 a brief description of each record and the decision I have made on each record. Where I have decided to refuse or partially refuse access to a record, it specifies the Article of the AIE Regulations under which this refusal has been made.

Supplying of records in a form or manner other than the form or manner requested

I note that in your AIE request you did not specify how the information be provided to you. I have decided that electronic format is the most appropriate.

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

Furthermore, 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 considerations, both for and against release, undertaken during the public interest test include the following:

Legal information

- Vital interests of the community are served by effective law enforcement and administration,
- Damage to investigations, or processes etc. which might result,
- Importance of not disadvantaging the EPA in its discharge of key responsibilities,
- Ensuring the resources of the taxpayer are used efficiently and effectively.
- The importance of the disclosure of records on issues affecting the community,

Personal information

- the public interest in protecting privacy

Management of functions and internal communications information

- the interest in protecting the efficient and effective management of an FOI body
- providing accountability and objectivity in the decision-making processes

Commercially sensitive information

- that the company concerned not be unduly impeded in the effective pursuit of its business
- there is a public interest in the EPA being able to make informed decisions in the course of carrying out its functions and in being able to maintain the confidentiality of their deliberative process in some circumstances, particularly where those deliberative processes relate to ongoing negotiations and commercial considerations.
- there is a public interest consideration in enhancing the accountability of public bodies.

Right of appeal

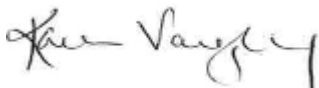
Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of

the staff of the EPA, 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 email to aie@epa.ie, referring to this decision, quoting the AIE reference number. 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 k.vaughey@epa.ie if I can assist you in any matter relating to your request.

Yours sincerely



Karen Vaughey
Corporate Governance