



10<sup>th</sup> May 2023

Ashley Glover  
Right to Know  
[requests@rightknow.ie](mailto:requests@rightknow.ie)

**Re: AIE request 054-2023**

Dear Mr Glover,

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 National Parks and Wildlife Service relating to:

- 1. List of DAAAB members*
- 2. Agenda and minutes for the years 2017 to 2023 (to date)*
- 3. Reports to the Minister for the same period*
- 4. Details of the number of appeals heard by the Board and the outcome of each appeal from 2017 to 2023 (to date), to include details of the area that was subject to appeal.*

**Summary of Decision**

I, Linda Bradley have now made a decision on your request of 11/04/2023.

- In regard to Point 1. The record does not exist but as discussed I had offered to create the record and provide it to you outside of AIE.



- In regard to Point 2 and 3 I have identified 145 records. I have made the decision to refuse access to these records in accordance with articles 8(a)(ii) of the AIE Regulations.
- In regard to Point 4, the record does not exist but as discussed, I had offered to create a summary table of the number of appeals by year, the outcome of the appeal, the designated site.

Following discussion between the AIE Unit of this Department and you, the requester, you had indicated you were not willing to refine or amend the request to information offered in regard to Point 1 & 4. As such, I must now refuse your full request having regard to the following provisions of article 8(a)(ii) of the AIE Regulations.

### **Article 8(a)(ii)**

This article provides that a public authority shall not make available environmental information in accordance with article 7 where disclosure of the information would adversely affect the interests of any person who, voluntarily and without being under, or capable of being put under, a legal obligation to do so, supplied the information requested, unless that person has consented to the release of that information.

### **Public Interest**



In line with Article 10(3), my deliberations in regard to Article 8(a)(i) and Article 8(a)(ii) have included weighing the public interest served by disclosure against the interest served by refusal. I consider the following public interest factors favouring the release of the records are relevant:

- Accountability and objectivity in the decision-making processes
- The public interest in members of the public exercising their rights under the AIE Regulations.

I consider the following public interest factors favouring the withholding of the records are relevant:

- Protecting the right to privacy of members of the public
- Ensuring a public body is able to perform their functions effectively
- Safeguarding the flow of information to a public body

I consider that the public interest in preserving the privacy of the third parties involved outweighs the public interest that would be served were the records to be released to you.

I wish to note, all relevant documents pertaining to point 2 and 3 are almost entirely composed of personal information supplied by appellants and their ecologists to the Department as part of their appeal. Releasing these records would enable the appellants to be easily identified, as well as including details of their land and other personal information contained within the reports.



Redaction of this information would take considerable time and the degree of redaction would render the reports incoherent. I have included a sample of one appeal with the relevant personal information redacted to demonstrate, the degree of redaction.

Personal information belonging to over 70 people is contained within the requested documents. The majority of these 3<sup>rd</sup> parties are only contactable by post. The time required to contact the 3<sup>rd</sup> parties and receive responses would be substantial and outside the time afforded under AIE provisions, including extensions. Based on previous correspondence with the 3<sup>rd</sup> parties, it can take several months to receive replies, if at all.

Finally I also wish to note that the personal information contained in the records is not required in order to interpret the boundary of the sites involved.

### **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. For these records, it also records how I have applied the public interest test pursuant to Article 10(3) and 10(4).



## **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 the 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 the AIE unit at [aie@housing.gov.ie](mailto:aie@housing.gov.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 (01) 888 3260 or [linda.bradley@npws.gov.ie](mailto:linda.bradley@npws.gov.ie) if I can assist you in any matter relating to your request.

Yours sincerely,

Linda Bradley

Assistant Principal Officer  
Department of Housing, Local Government and Heritage  
National Parks and Wildlife Service  
90 North King Street, Smithfield, Dublin 7, D07 N7CV