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Right to Know
Via E-mail: requests@righttoknow.ie

31st August 2023

Re: OEE AIE 2023 31 Decision Letter

Dear Sir/Madam,

I refer to your request dated and received on the 1st of August 2023 which you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (AIE) for access to information held by the Environmental Protection Agency (EPA).

Your request sought as follows:

“Under the AIE Regs to request copies of the RMCEI Data Return Templates/Tables submitted by local authorities to EPA for 2022

Our understanding is these are in Excel format and submitted alongside annual local government reports to EPA”.

I wish to advise you that I, David Smith have made a final decision to **part-grant** your request on 31st August 2023. The purpose of this letter is to explain that decision.

SUMMARY OF DECISION

A total of 21 records have been identified as relevant to your request. One of these record(s) is granted in full. The remaining 20 records are being refused in accordance with Article 9(2)(c) of the AIE Regulations as the information concerns material in the course of completion.

9. (2) A public authority may refuse to make environmental information available where the request—

(c) concerns material in the course of completion, or unfinished documents or data,

In accordance with Article 10(6) please note that the EPA produces annual reports covering the information you are requesting. This report will be published soon and will be available on the EPA website [here](#)

10. (6) Where a request is refused pursuant to article 9(2)(c) because it concerns material in the course of completion, the public authority shall inform the applicant of the name of the authority preparing the material and the estimated time needed for completion.

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 the 2022 records.

Factors in favour of release:

- The public interest in individuals being able to exercise their rights under the AIE Regulations to the greatest extent possible in order to access environmental information; and
- The public interest in environmental information being made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information.

Factors in favour of refusing access:

- The public interest in ensuring that information is not released under the AIE regime that would be misleading and provide an inaccurate picture on the environment and the environmental work of local authorities.

I have determined that the public interest would not be served by disclosing the 2022 records at this early stage.

SCHEDULE OF RECORDS

I have completed a schedule of records relating to the records that I consider relevant to your request. The schedule provides a brief description of each record and the decision I have made on each record. Where I have decided to refuse or partly 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 applied the public interest test pursuant to Article 10(3) and 10(4).

FEES

Article 15 of the regulations allow a public body to charge a reasonable fee for the cost of supplying (search and retrieval) the environmental information. In this instance the fee is being waived as the estimated cost for Search & Retrieval is less than €100.

RIGHTS 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 more senior member of the staff of the Environmental Protection Agency, unconnected with the original decision, who may affirm, vary or annul the original decision.

In the event that you wish to request an internal review, you can do so by writing to Ms Ana Bolger, AIE Officer, EPA, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford or by sending an email to aie@epa.ie. You should make your request within one month from the date of this notification.

Yours sincerely,



David Smith
AIE Decision Maker
Office of Environmental Enforcement

Access to Information on the Environment (AIE) Schedule of Records

Summary of Decision Making

AIE Request Ref: OEE AIE 2023 31

Record No	Date of Record	Brief Description of Record	Decision – Grant/Part-Grant/Refuse	Basis for refusal – Article of Regulations	Public Interest Test Carried Out Yes/No	Reason for Decision
1	2022	RMCEI Data Returns Template	Grant	N/A	N/A	N/A
2	28/02/2023	Carlow CoCo Data Returns 2022	Refused	9(2)(c)	Yes	Material in the course of completion
3	08/03/2023	Cavan Co Co Data Returns 2022	Refused	9(2)(c)	Yes	Material in the course of completion
4	28/02/2023	CorkCo_2022 Data Returns 2022	Refused	9(2)(c)	Yes	Material in the course of completion
5	01/03/2023	DLRCC_28-02-2023 Report Planned Inspections	Refused	9(2)(c)	Yes	Material in the course of completion
6	01/03/2023	DLRCC_28-02-2023_Report RMCEI Annual Return	Refused	9(2)(c)	Yes	Material in the course of completion
7	28/02/2023	Donegal Data Returns 2022	Refused	9(2)(c)	Yes	Material in the course of completion
8	28/02/2023	Fingal CoCo_ Data Returns 2022	Refused	9(2)(c)	Yes	Material in the course of completion
9	02/03/2023	Galway Co_ Data 2022 -Update 2. Staff Resources	Refused	9(2)(c)	Yes	Material in the course of completion
10	01/03/2023	Galway Co_ Data Returns 2022	Refused	9(2)(c)	Yes	Material in the course of completion

Record No	Date of Record	Brief Description of Record	Decision – Grant/Part-Grant/Refuse	Basis for refusal – Article of Regulations	Public Interest Test Carried Out Yes/No	Reason for Decision
11	28/02/2023	Kerry Returns Data 2022	Refused	9(2)(c)	Yes	Material in the course of completion
12	28/02/2023	Kildare Annual Returns	Refused	9(2)(c)	Yes	Material in the course of completion
13	28/02/2023	Kildare Annual Returns Front Page Signed By Dos	Refused	9(2)(c)	Yes	Material in the course of completion
14	02/03/2023	Leitrim_2022 _Annual Returns on	Refused	9(2)(c)	Yes	Material in the course of completion
15	24/02/2023	Longford_2023_02_24 Data Returns	Refused	9(2)(c)	Yes	Material in the course of completion
16	28/02/2023	Meath_ Data Returns Template 2022	Refused	9(2)(c)	Yes	Material in the course of completion
17	01/03/2023	SDCC Data Returns Template 2022	Refused	9(2)(c)	Yes	Material in the course of completion
18	01/03/2023	Sligo Returns Response	Refused	9(2)(c)	Yes	Material in the course of completion
19	01/03/2023	Sligo_ Data Returns Template 2022	Refused	9(2)(c)	Yes	Material in the course of completion
20	28/03/2023	Westmeath 2022	Refused	9(2)(c)	Yes	Material in the course of completion
21	02/08/2023	Draft RMCEI Collated Annual Returns	Refused	9(2)(c)	Yes	Material in the course of completion