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9<sup>th</sup> November 2023

**Ref: OEE AIE 2023 39 Decision Letter**

Dear Sir/Madam

I refer to your request dated and received on 10<sup>th</sup> October 2023, under the EC (Access to Information on the Environment) Regulations 2007 to 2018 (AIE). Your request sought as follows:

***“Under the AIE Regs to request details of meetings between EPA and Bord Bia on the subject of "Origin Green" to cover***

***Dates of meetings***

***Attendees***

***Agendas / Minutes***

***Copies of any presentations / reports provided as part of the meetings***

***For the purposes of this AIE please include meetings in the Years 2022-23***

***For context:***

***EPA met with Bord Bia in 2022 and 2023 and changes have been made to the scheme criteria***

- Sites that don't notify BB of their inclusion on the NPS face suspension from the scheme***
- Sites won't be entitled to Gold Membership if they have been prosecuted in the previous year***
- Non-compliance with licence does result in some points reduction***
- Agreed that EPA would engage with BB and their verifiers in the future”***

I wish to advise you that I, Eileen Butler have made a final decision to **part-grant** your request on **9<sup>th</sup> November 2023**. The purpose of this letter is to explain that decision.

## **SUMMARY OF DECISION**

A total of 5 records have been identified as relevant to your request. 4 of these records are granted in full.

Please note that the records provided are notes from the meetings held and contain the following information:

- Dates of the meetings,
- Attendees and
- Presentation

I have identified parts of 1 record that is refused in accordance with Article 8(a)(i) of the AIE Regulations, which provides as follows:

*8. A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information—*

*(a) would adversely affect*

*(i) 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*

It is my decision that the confidentiality of the records in question is otherwise protected by law under Section 37(1) of the Freedom of Information Act 2014. This provides that:

*37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

Further, the confidentiality of personal information is protected in Irish law under:

- a) The Data Protection Acts 1998 to 2018;
- b) The General Data Protection Regulation (EU) 2016/679;
- c) The European Convention on Human Rights; and
- d) The Irish Constitution.

In arriving at a decision on your request, I confirm that I have had regard to the provisions of Article 10 of the Regulations, as a decision to refuse to disclose information under Articles 8 and/or 9 must not be taken in isolation from the relevant provisions in Article 10.

## **PUBLIC INTEREST TEST**

In line with Articles 10(3) and 10(4), my deliberations have included weighing the public interest served by disclosure against the interest served by the refusal of your request. I have determined that the public interest would not be served by disclosing the information you requested.

Factors in favour of the release of this information are:

- In members of the public exercising their rights under the AIE Regulations.
- In people knowing that the information held about them is accurate, complete and up to date.

The factors in favour of withholding this information are:

- Right to privacy and to have your personal records protected.
- Public Interest in protecting the ability of public bodies to carry out their functions and to be able to communicate effectively.

I have decided that, on balance, the public interest in this case is best served by withholding this information as its release could breach the rights of privacy of an individual.

**The other parts of your request were:**

**‘Agenda/Minutes...**

**‘For the purposes of this AIE please include meetings in the Years 2022-23’**

Following an examination of records held by the EPA, I have been unable to locate any records relevant to this part of your request ‘*Agenda/Minutes*’ and no meeting records are held by the EPA for the year 2022.

I, therefore, refuse these parts of your request, in accordance with Article 7(5) of the AIE Regulations which states:

*7.(5) Where a request is made to a public authority and the information requested is not held by or for the authority concerned, that authority shall inform the applicant as soon as possible that the information is not held by or for it.*

In its search for the records, the EPA has tried to use all practical, possible means for locating the records which you have sought and has taken the steps outlined below to find them:

1. Discussions with individual members of staff who may have dealt with such records and
2. Circulation of an e-mail to all relevant EPA staff, which sets out the records you sought and asking staff to check if they had any records or information relating to your request.

#### **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).


Article 15 of the regulations allows 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](mailto:aie@epa.ie). You should make your request within one month from the date of this notification.

Yours sincerely,



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Eileen Butler

AIE Decision Maker

Office of Environmental Enforcement

Encl.

## SCHEDULE OF RECORDS

### Access to Information on the Environment (AIE) Schedule of Records - Summary of Decision Making

AIE Request  
Reference:

OEE AIE 2023 39

Record No.	Date of Record	Brief description of record	Decision - Grant/Part Grant/Refuse	Basis for refusal - Article of Regulation	Public Interest	Reason for Decision
1	17-01-2023	Meeting Notes	Grant	N/A	N/A	N/A
2	17-01-2023	Origin Green Target Scoring Guide 2023	Grant	N/A	N/A	N/A
3	27-02-2023	Meeting Notes	Grant	N/A	N/A	N/A
4	17-07-2023	Bord Bia Meeting	Grant	N/A	N/A	N/A
5	18-07-2023	Meeting Notes	Part-grant	8(a)(i)	Yes	Personal Information Redacted – Section 37(1) of FOI Act