



12 December 2023

Ms Neil Foulkes

neilfoulkes62@gmail.com

Re: AIE request 23 590

Dear Mr Foulkes,

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 Department of Agriculture, Food, and the Marine relating to the provision of, by email,

27/11 For the seven days preceding this request, I wish to receive. 1) A copy of all information submitted in relation to applications made under the new Native Tree Area Scheme up to and including the date of this request that have not been previously provided to me under previous AIE requests.

To include

- a) Application documentation, including reference number, excluding any personal information
- b) A map of the proposed area in GIS format;
- c) AA Screening or Pre-Screening

2) Information on any approvals under the Scheme

Summary of Decision

I have decided on your request of 27 November 2023 my decision is to part grant access to information on file. I have identified one hundred and forty-five (145) records which relate to your request.

I am granting full access to one hundred and three (103) records.

I am part granting access to forty-two (42) records with some information redacted by reason of Article 8(a)(i) – personal information relating to a third party.

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).

This AIE request has been completed in accordance with the AIE Regulations.

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 partially 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 and/or 9(1)(c), 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, on balance, the public interest would not be served by disclosing the information you request due to the fact that the disclosure of personal information to a third party adversely affects the confidentiality of that information and the fact that the personal information is unrelated to the licencing process I have decided that a breach of the applicant's privacy rights is not in the public's interests in this case and therefore the public interest is best served by refusal to disclose this information

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 emailing FOI Unit at freedomofinformation@agriculture.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.

Yours sincerely,

Jacqueline Doyle, EO, AIE Unit, Forest Services.