



Our Reference: AIE/2024/002

Right to Know

By Email: requests@righttoknow.ie

30 September 2024

Dear Ashley Glover (Right to Know)

Re: Original Decision AIE/2024/002

I refer to your request dated 11 September 2024 to the Office of the Commissioner for Environmental Information (OCEI) under the AIE Regulations for the following information:

“...a current list of OCEI pending appeals

Details to include:

1. Description field of the appeal
2. Date the appeal was lodged
3. Name of the PA”

I note that you also wrote to this Office on 12 September 2024, stating:

“As part of this request can we ask that OCEI consider a regular release of appeals in progress to improve transparency and prevent applicants submitting on same issues

A number of PAs now appear to be utilising the extended process in appeal to delay all requests. Having a searchable list of appeals online may make them more reticent to use the process to kick the can down the road.”

Summary of Decision

I have made a decision on your request today, 30 September 2024. I have decided to grant your request in full.

I have identified 452 cases in progress at OCEI on the date of your request, 11 September 2024. I considered these 452 cases to be within scope as they had been accepted by OCEI and no final formal decision or other form of closure had been reached at the date of your request. In respect of the 452 cases, the attached excel sheet contains the information sought by you. The information is contained in five columns labelled as follows:

- A. OCEI Case Number
- B. OCEI Legacy Case Code (if relevant)
- C. Title (Subject Matter of the Request) (Description)
- D. Public Authority/Entity (in some cases the question arises as to whether the entity is a public authority under the AIE Regulations)
- E. Date Appeal Submitted to OCEI (Date Lodged)

I wish to note that while, in some cases a title (e.g. a subject line / description) is used by a requester or appellant when submitting their original/internal review request or appeal to this Office, this is not always the case. However, I have endeavoured to indicate in Column C the high-level subject matter in respect of all cases identified as relevant.



Coimisinéir um Fhaisnéis Comhshaoil
Commissioner for Environmental Information

Further to the above, while a report can be run from the OCEI case management system to compile the information contained in Columns A, B, D, and E, the information contained in Column C – Title (Subject Matter of the Request (Description)) – is not currently easily extractable from our system and each file must be opened separately and the information retrieved.

Accordingly, regarding your email on 12 September 2024, some changes in our procedures may be required in order to publish the information you are seeking as a list of appeals in progress regularly online – this is something we are in the process of considering. It is also important to note that any such list would not reflect the most up to date details, as these are subject to change on a daily basis. However, as you may be aware, there has been a change in Senior Investigator in OCEI since your previous correspondence asking for regular online publication. I have brought your query to her attention, she will discuss the matter with the Commissioner, and this Office will be in touch with you separately, outside this AIE request process, on the matter.

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 Office, 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 info@ocei.ie.

Please refer 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 internal review decision will be communicated to you within one month of receipt of your request for an internal review.

Yours sincerely,

Elizabeth Swanwick
Investigator (01-6395697)
Office of the Commissioner for Environmental Information