



05 February 2025

Mr Neil Foulkes

Neilfoulkes62@gmail.com

**Re: AAIE Request 24 769**

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 this the Department of Agriculture, Food, and the Marine (DAFM).

**Your AIE Request**

*Under the Access to Information on the Environment Regulations, in electronic format;*

*I wish to receive*

*All information related to AIR 6-24, Devil's Glen, Co. Wicklow*

*Please interpret this request broadly.*

*Please provide a schedule of records with your decision*

**Summary of AIE Decision**

The original decision maker part granted your request, identifying four records in relation to your request, one of which was granted in full and three that were part granted with redactions under article 8(a)(i) of the AIE Regulations. The original decision maker carried out a search of the Alleged Illegal Forestry (AIF) folder in eDOCs using the reference number AIR 6 24, where the four records were identified. AIF section was also contacted by email, and it was confirmed that no further records were available in relation to AIR 6 24 after a search was conducted of the AIF mailbox and AIF folders.

**Your Internal Review Request**

*I wish to request an internal review of this decision.*

*I am not satisfied that the steps taken have been adequate - they steps are inadequately described.*

*I find it difficult to accept that a Forestry Inspector would not conduct an investigation and produce a report.*

**Summary of Decision**

I have decided on your Internal Review request on 05 February 2025. My decision is to vary the original decision for the following reasons:

**Eastát Chaisleán Sheonach, Contae Loch Garman, Y35 PN52**

Johnstown Castle Estate, Co. Wexford, Y35 PN52

T +353 53 9163400 or 9163425 | [forestryinfo@agriculture.gov.ie](mailto:forestryinfo@agriculture.gov.ie)

[www.agriculture.gov.ie](http://www.agriculture.gov.ie)



- I have reviewed the searches completed in relation to the original request and I have conducted additional searches, which have identified two additional records which I am part granting, with redactions.

Where information has been refused or partially refused, the following article(s) of SI 133/2007 apply:

- *8(a)(i) A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information would adversely affect the confidentiality of the 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 the 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).*

Please note that one of the records provided is dated after the date of your request, however, it is my decision to release this record to provide further context to the records previously released.

### **Searches Conducted**

Following the assignment of this Internal Review to me, the following searches were undertaken:

- A search of the AIF folder in DAFM's file storage system eDOCs using the search words "AIR 6 24" and "Devil's Glen".
- An email was sent to DAFM Grade 2 Forestry Inspector Andrew Kirwan, as correspondence dated after the date of your request indicated that the complaint had been referred to Mr Kirwan.
- Mr Kirwan undertook searches of his email inbox, personal drive and the Forestry shared drive using the search words "Devil's Glen", "Road Wicklow" and "Road Vartry", which identified two records.

### **Public Interest Test**

In accordance with Article 10(3) and 10(4), I have weighed the public interest served by disclosure against the interest served by part refusal of your request. I have determined that the public interest would not be served by disclosing the redacted information you request.

The factors in favour of release of this information are the making available to the public, where practical and allowed under the law, in a transparent manner, information affecting the environment.

The factors in favour of withholding this information are the fact that the disclosure of personal information to a third party adversely affects the confidentiality of that information. Releasing an individual's personal information violates their right to privacy and confidentiality and may lead to harm.



## Article 10(5)

Please note that in making my decision, I have considered article 10(5), which states that,

*Nothing in articles 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.*

## Designated Decision-Maker

With reference to article 11(2), the decision-maker who has reviewed this decision is a person unconnected with the original decision whose rank is the same as, or higher than, that of the original decision.

## Right of Appeal

In accordance with article 12(3) of the AIE Regulations, you may appeal this decision to the Commissioner for Environmental Information. If you wish to appeal, you must do so, within one month of receipt of this notification, to:

The Office of the Commissioner for Environmental Information,

6 Earlsfort Terrace,

Dublin 2, D02 W773.

Phone: +353-1-639 5689

Email: [info@ocei.ie](mailto:info@ocei.ie)

It is also possible to appeal online, see the website of the Commissioner for further details  
<https://www.ocei.ie/>

The fee for such an appeal is €50 or €15 if you are the holder of a medical card or the dependent of the holder of a medical card.

Yours sincerely,

AIE Unit

Forestry Division

Department of Agriculture, Food & the Marine

Johnstown Castle Estate

County Wexford

