

09.05.2025

Mr Neil Foulkes

By email only: neilfoulkes62@gmail.com

Our Ref: AIE Request 20250095

Your Ref: SMART objectives - FSC Standard

Dear Sirs,

I refer to your Request dated 10.04.2025 made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (the “**AIE Regulations**”), for access to Environmental information held by Coillte for information as follows:

Information on the SMART (specific, measurable, achievable, relevant, and time-bound) operational management objectives that address the requirements of Indicator 7.1.2 of the FSC standard.

Please be sure to include information on how the objectives are specific, measurable, achievable, relevant, and time-bound.

Please interpret this request broadly.

Please provide a schedule of records with your decision.

Decision

Following an exercise whereby I contacted the relevant parties within Coillte, I have decided to **refuse** you access to the environmental information sought on the basis that the records sought do not exist, and therefore are not “*held*” by Coillte within the meaning of Article 7(5).

Refusal of Request pursuant to Article 7(5) of the Regulations

Coillte’s position in respect of the Request is that it been unable to locate any records relevant having taken all reasonable steps to locate the information sought and the Request is refused pursuant to Article 7(5) of the AIE Regulations.

Materials considered

Article 7(5) of the AIE Regulations provides: -

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 Mr X and Environmental Protection Agency ([OCE-99411-G9T2S](#)), the Commissioner provided the following commentary in respect of Article 7(5) of the AIE Regulations:-

Article 7(5) of the AIE Regulations is the relevant provision to consider where the question arises as to whether the requested environmental information is held by or for the public authority concerned.

We are further aware from the decisions of the Commissioner in [Mr G and Department of Agriculture, Food and the Marine](#) and [Mr X and Environmental Protection Agency](#) that we are required to justify how we came to the conclusion that the records do not exist.

Upon receipt of this Request, the AIE team assigned it to the relevant subject matter expert, being the Head of Certification, Environment and QA. During discussions, it was confirmed that this information does not exist. The above steps having been taken; I am satisfied to confirm that no records of the kind specified in the Request exist in Coillte.

The basis on which the information does not exist is because operational management objectives are currently being reviewed and updated to address the requirements of Indicator 7.1.2 of the FSC standard. As you are aware, the most recent FSC Interim Standard came into effect during 2024. Coillte are currently in the process of reviewing all relevant processes to ensure alignment with the updated FSC Interim Standard. We expect documentation which sets out how compliance is demonstrated to address indicators of the recent FSC Interim Standard to be in place by the end of 2025.

In relation to searches we refer you to OCE-144200-P5J0S4 decision (Mr F and Coillte) where the Commissioner provided the following commentary in respect of Article 7(5) of the Regulations –

“I take the opportunity to note that, though public authorities, perhaps in a majority of cases, are required to carry out adequate and thorough searches in order to identify information relevant to a request, I am of the view, in certain instances, that it is reasonable to rely on the knowledge of officers of a public authority, especially when they are specialists in a particular field or are denominated senior subject-matter experts, as in this case, if they consider that information relating to a request or an element of a request does not exist. In these circumstances the carrying out of searches would be a redundant exercise and would not be a good use of public resources. This is because if such specialists or senior subject-matter experts, who have intimate knowledge of the field in which they work on a daily basis, as appears to be the case in this instance, affirm that no information of the type requested exists, then to require a public authority in such circumstances to conduct a needless search would be tantamount to requiring it to direct resources to a meaningless and futile task.”

The search undertaken by the AIE Team in this instance was by way of consulting with the expert in the field, being the Head of Certification, Environment and QA who knows through intimate knowledge of the subject matter that no relevant information exists at this stage. In my view, in this case, the searches carried out are reasonable and I am satisfied that no information relating to this Request is held by Coillte.

Right of Review

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision, including the decision to charge a fee. An internal review involves a complete reconsideration of the matter by a member of the staff of Coillte, unconnected with the original decision, and 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 the following, referring to this decision and 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.

The Information and Data Protection Officer
Coillte CGA.
aie@coillte.ie

If you choose to make a request for an internal review, this 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,

Sent by email, no signature

AIE Officer
Coillte CGA.
Email: aie@coillte.ie