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## **Meath County Council**

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Corporate Affairs & Governance

12<sup>th</sup> December 2023

**By Email Only:** [aarhus@decc.gov.ie](mailto:aarhus@decc.gov.ie)

### **Re: Public consultation on proposed amendments to the Access to Information on the Environment (AIE) Regulations 2007-2018**

To Whom It May Concern

Meath County Council, a public authority in the context of the AIE Regulations, fully respects the goal of the AIE regime in facilitating more effective public participation in environmental decision-making and, in so doing, contributing to a better environment.

However, it is the view of this local authority that Article 9(2)(a) and Article 10(5) should be considered as part of this review.

**Article 9(2)(a)** provides that a public authority may refuse an AIE request where the request “*is manifestly unreasonable having regard to the volume or range of information sought*”.

Unlike Section 15(1)(g) of the FOI Act, where the behaviour of the requester can also be considered, under Article 9(2)(a) consideration of an unreasonable request is restricted to the volume or range of information being sought.

Therefore, unlike in other jurisdictions, public authorities in Ireland are unprotected from AIE requests that represent an abuse of process.

Whilst such requests do not represent the majority of requests received, they do occur and it is important that some level of protection is provided for in the regulations to prevent the process being abused. This is particularly the case in the context of the number of AIE requests increasing year on year.

Therefore, we request that consideration be given to removing the following text from Article 9(2)(a):

*“having regard to the volume or range of information sought”.*

**Article 10(5)** relates to the part-granting of records through the separation of any exempt material. This is proving very problematic when either Article 9(2)(a) or (b) applies. In cases where these provisions apply, it is often very difficult to provide access to some records, particularly if a request is too broad or general or where the requester fails to engage.

Therefore, we request that the provisions of Article 10(5) be amended as follows:

*“Nothing in article 8, 9(1) or 9(2)(c) or (d) shall authorise a public authority not to make available environmental information...”*

This would allow a public authority to fully refuse a voluminous request (where the thresholds are met) and/or a request that remains too broad.

I would be grateful if these requests could be considered as part of this review.

Yours faithfully

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**Senior Executive Officer**