

AIE Regulation Public Consultation on Proposed text - Gas Networks Ireland Submission

Draft of Regulations entitled European Communities (Access to Information on the Environment) Regulations 2023

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Part 1 – Preliminary and General

Interpretation

...

2(1)

“Commissioner” means the holder **for the time being** of the office of Commissioner for Environmental Information established under article 12(1) of the Regulations of 2007;

Page 6: - all lengths ? storage - backups etc?

“electronic means” means through such electronic systems as a public authority have available for the purpose of these Regulations: - new tech

...

Page 6: storage

including 3rd parties

“Minister” means Minister for the **Environment, Climate and Communications;** - new name

...

“personal data” has the meaning given to it in Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; - GDPR

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2(1)(vi)

“public authority”, subject to paragraph (2), ... includes the following:

a board or other body (other than a company established under the Companies Acts or the Companies Act 2014 (No. 38 of 2014)) established by or under statute; - new

“Regulations of 2007” means the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007);

“website” means an internet website (including part of such a website)—

(a) to which access is readily available by members of the public, and

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(b) where anything published is readily available for inspection by members of the public.

(2) In these Regulations, public authority does not include any of the following:

(a) the President;

(b) the Office of the Secretary General to the President;

(c) the Council of State;

(d) any Commission for the time being lawfully exercising the powers and performing the duties of the President;

(e) any body or institution when acting in a judicial or legislative capacity.

(3) A word or expression that is used in these Regulations and that is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive. – new

Scope

3(1) These Regulations apply to environmental information other than, subject to paragraph (2), information that, under any statutory provision apart from these Regulations, is required to be made available to the public, whether for inspection or otherwise. - apply to

environmental information that under other Stat Provisions is required to be made avail to the public - ??? so if required under FOI - ok - If Not - Not ??? Collite case ??

PART 2

GENERAL DUTIES OF PUBLIC AUTHORITIES – obligations on GNI

General duties of public authorities

4. (1) A public authority shall—

PART 2

GENERAL DUTIES OF PUBLIC AUTHORITIES

General duties of public authorities

4. (1) A public authority shall—

(a) inform the public of their rights under these Regulations and provide information and guidance on the exercise of those rights, - website notes

(b) inform the public where authorisations with a significant impact on the environment and environmental agreements may be requested, - website note

(c) - look at carefully - formal footing - S20 delegation under FOI - now in AIE - Officer and decision makers inform the public where authorisations with a significant impact on the environment and environmental agreements may be located for review, - PUBLISH

(d) inform the public where environmental impact studies and risk assessments concerning elements of the environment may be requested

(e) inform the public where environmental impact studies and risk assessments concerning elements of the environment may be located for review,

(f) take necessary measures to organise the environmental information, relevant to its functions, held by, or for, the public authority concerned with a view to its active and systematic dissemination to the public, by information technology or by other electronic means,

(g) ensure that environmental information compiled by, or for, the public authority concerned, is up-to-date, accurate and comparable, and

(h) - may need AIE Mailbox - web page in place - provide assistance to the public in exercising the right of access to environmental information by means which may include one, or more, of the following:

(i) the designation of information officers within the public authority concerned; , -

PUBLISH

(ii) the establishment and maintenance of facilities for the examination of the information required within the public authority concerned;

(iii) the provision of registers or lists of the environmental information within the public authority concerned;

...

(iv) the provision of information points, with clear indications of where such information can be found within the public authority concerned. – publication and access

(2) Environmental information mentioned in paragraph (1)(f) shall include at least the following: - publication and access

(a) the texts of international treaties, conventions or agreements and legislation pertaining to them;

(b) policies, plans and programmes;

(c) progress reports on the implementation of items specified in subparagraphs (a) and (b), where these have been prepared by the public authority or are available in electronic form;

(d) data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment;

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(e) authorisations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found in the framework of Article 3 of the Directive;

(f) environmental impact studies and risk assessments concerning the elements of the environment, referred to in paragraph (a) in the definition of environmental information, or a reference to the place where the information can be requested or found;

where such information is directly relevant to the function of that public authority and is environmental information.

(3) In the event of an imminent threat to human health or the environment, whether caused by human activities or due to natural causes, a public authority shall ensure that all environmental information held by, or for, **the public authority concerned**, which could enable the public likely to be affected to take measures to prevent or mitigate harm, is disseminated to the public immediately and without delay.

...

(5) Public authorities may satisfy the requirements of this Regulation **to inform the public by creating links to websites** where the information may be found.

PART 3

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REQUESTS FOR ENVIRONMENTAL INFORMATION

Request for environmental information

5. (1) **Subject to paragraph (2)**, a request for environmental information shall — ...

(d) state the contact details, **which may be an address for the receipt of electronic mail, of** the applicant,

...

Action on request

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6 (2) (a) A public authority shall make a decision on a request and, where appropriate, make the information available to the applicant as soon as possible and, in any case, subject to subparagraphs (b) and (c), not later than one month after the date on which such request is received by the public authority concerned.

(b) - possible conflict with timelines to deliver materials A public authority shall, in the performance of its functions under this Regulation, have regard to any timescale specified by the applicant.

...

(3) (c) For the purposes of subparagraph (a), public authorities shall make all reasonable efforts to maintain environmental information held by, or for, the public authorities in forms or formats that are readily reproducible and accessible by information technology or by other electronic means. – new

...

(4) Where a decision is made to refuse, in whole or in part, a request for environmental information, the public authority concerned shall—

...

(b) in a case to which paragraph (2)(c) applies, notify the applicant in writing as soon as possible but not later than two months after the date of receipt of the request, - total of 2 not 3 months

...

(5) Where a request is made to a public authority and the environmental information requested is not held by, or for, the authority concerned, the authority shall as soon as possible refuse the request in accordance with paragraph (4).