

How we do it

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In reviewing decisions we follow a three-step process: validation, investigation, review.

1. When we receive an appeal we check that it is valid. If it is, it is allocated to the next available investigator.
2. The investigator examines the case and submits the file to the Commissioner along with a recommendation.
3. The Commissioner conducts his review and the parties are notified of his decision.

Validation

When we receive an appeal, we check that it is valid under the legislation. If it is, we ask the public authority for copies of the withheld information, where appropriate. In some cases at this stage we invite the parties to make submissions providing further information or explaining why the Commissioner should find in their favour.

Investigation

We assign each case to the next available investigator. He or she may contact the parties to ask for any clarifications which they consider necessary. They might also invite submissions (if they were not already sought) or for further submissions. If a

new material issue is raised (e.g. an exception to release that had not been relied upon in the public authority's decisions), the parties are normally invited to comment on this. Our investigators are office-based: they do not normally go into the field to check claims or to meet people associated with a case. The investigator's job is to gather the information necessary, analyse the facts and the legal provisions, and prepare a recommendation for the Commissioner. Investigators normally communicate with the parties by email, telephone or post. Case investigators report to a Senior Investigator, who in turn reports to the Commissioner.

In some cases appeals are withdrawn, settled or discontinued without the need for the Commissioner to make a decision. In all other cases the Senior Investigator submits the file to the Commissioner.

Review

The Commissioner considers the case-file, makes a formal written decision, and arranges for the parties to be notified. In his decision, he may either affirm, vary or annul the public authority's decision. Where appropriate, he may require the public authority to make available environmental information to the appellant.

In some cases the Commissioner decides that a public authority should re-process a request or part of it (or process a request for the first time, if it failed to do so in the first place).

Whatever the outcome, OCEI never releases the requested information. If it is to be released, it must be released by the public authority.

For more information, see our [Procedures Manual \(http://www.ocei.ie/legislation-and-resources/other-resources/ocei-procedures-manual-final.pdf\)](http://www.ocei.ie/legislation-and-resources/other-resources/ocei-procedures-manual-final.pdf) and our [Strategy Statement \(http://www.ocei.ie/corporate-governance/Strategy-2016-2018.pdf\)](http://www.ocei.ie/corporate-governance/Strategy-2016-2018.pdf).

Some points about the process

- It is not formal or adversarial: OCEI is not a court
- We do not normally give a copy of one party's submission to the other party. In a small number of cases we exchange submissions, but only with the consent of the parties who made the submissions
- There is no oral hearing
- When the file is ready, it is sent to a senior investigator. When the senior investigator is satisfied that the file is fully complete, it is put before the Commissioner. He then conducts his review and makes his decision

Useful Links

- [What we do \(/__uuid/dd8f7966-4cf1-4a97-9a7d-303047a773b3/\)](/__uuid/dd8f7966-4cf1-4a97-9a7d-303047a773b3/)
- [How to appeal \(/__uuid/d3e8292a-d9e1-40d0-ae7e-84caef35f0bf/\)](/__uuid/d3e8292a-d9e1-40d0-ae7e-84caef35f0bf/)



The Office of the Commissioner for Environmental Information
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Opening Hours: 9.15 to 5.00 Monday to Friday

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Make an AIE request to OCEI (/make-aie-request-to-ocei/)

[Re-use of OCEI Information \(/re-use-of-public-sector-information/\)](#)

[Regulation of Lobbying Act 2015 \(/regulation-lobbying-act/\)](#)

[Irish Language Scheme \(/irish-language-scheme/\)](#)

[e.gov.ie \(http://e.gov.ie/reporting/\)](http://e.gov.ie/reporting/)

[Strategy & governance \(/corporate-governance/\)](#)

[Customer Service \(http://www.ocei.ie/customer-service/index.xml?__lang=en\)](http://www.ocei.ie/customer-service/index.xml?__lang=en)

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