

Respondent	Topic(s)	Positive/ Neutral/ Negative (P/ O/N)	Brief Description	Specific submission on timeliness	Specific Ref to C/141
Public Authorities					
Office of the Commissioner for Environmental Information	<ul style="list-style-type: none"> - Timeliness of Review - Effective Investigation & Enforcement - Fair Procedures - Legal Clarity and Compliance 	P	<ul style="list-style-type: none"> - Public Authorities should be required to give reasons for their decisions - Public Authority Engagement with the OCEI should be improved - The OCEI should be mandated to apply an express presumption that disclosure of information is justified - A Schedule to the Regulations should be prepared listing the persons or bodies included in the definition of public authorities - The Commissioner should be under a duty to make a decision in a timely manner. - The OCEI's involvement in High Court Appeals should be minimised, by ensuring that the Public Authority is the respondent. - It should be clarified that the Commissioner may endeavour to effect a settlement between the parties, and the time limit for review should be suspended when settlement is pursued. - An Information Tribunal should be created to deal with appeals under FOI and AIE legislation - Express provision should be made for the Commissioner to remit matters to the public authority for reconsideration - Require public authorities to include a list of information held by it with its decision on a request - Public Authorities should be under an express duty to actively disseminate information held by them 	<p>Yes:</p> <ul style="list-style-type: none"> - Ensure that public authorities give adequate reasons for decisions - Improve public authority engagement with OCEI - Clarify who is a public authority - Provide for a duty of timeliness - Reduce the Commissioner's participation in High Court appeals - Clarify power to effect settlement of appeals - Consider the implementation of a tribunal system for the AIE Regime 	Yes
ESB Networks	<ul style="list-style-type: none"> Article 9(2)(a) Article 10 Article 3 Article 9(1)(c) Article 11 Article 7(1) Article 7(2) Overlap with FOI Act 2014 	N	<ul style="list-style-type: none"> - Article 9 should be amended to preclude artificial splitting of information requests - The definition of environmental information should be clarified - The definition of 'public authority' should be amended to exclude subsidiary entities of public authorities 	<p>Yes:</p> <ul style="list-style-type: none"> - AIE Requests received outside working hours considered to be received the following day - "stopping the clock" in circumstances where an AIE request requires the public authority to consult with a third party or where an applicant is invited to make a more specific request - "stopping the clock" where a charge or fee is imposed for searches or copies of records, so that the obligation to release information is contingent upon discharge of the fee. 	No
Dublin Airport Authority	<ul style="list-style-type: none"> - Definition of 'environmental information' - Extension of time limits for response - Exemptions for works that form part of a statutory planning process - Implementation of a minimum charge for all requests 	N	<ul style="list-style-type: none"> - the Regulations fail to provide a mechanism for handling vexatious requests, and measure should be adopted to do so - There should be a minimum standard charge for all requests 	<p>Yes:</p> <ul style="list-style-type: none"> DAA recommends the extension of the 30-day response timelines 	No
Transport Infrastructure Ireland	<ul style="list-style-type: none"> - Definition of a public authority - It is TII's experience that some applicants use the AIE regime to seek very wide-ranging information based on the most tenuous of environmental connections 	N	<ul style="list-style-type: none"> - The recognition of subsidiary entities as public authorities for the purposes of the Regulations could have cost implications for TII. 	No	No
Bus Eireann	n/a	O	n/a	No	No

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Coillte	Articles 3, 7-10, 12 & 14-15	N	<ul style="list-style-type: none"> - "month" should be interpreted to mean 20 working days - Amend Article 7(8), such that where a public authority requests a more specific request, the one-month (or two-month as the case may be) period does not begin until the clarification is received - Amend Article 8(a)(iv) such that the exemption provisions in the FOI Act are applied to AIE contexts. The amendment seeks to convey that it is the exemptions under the FOI Act, rather than whether a public body is an FOI body under that Act, that should be the focus. - Remove the restriction on what is 'manifestly unreasonable' - Empower the OCEI to effect a settlement between parties and, at their discretion suspend or discontinue an appeal. - Introduce a right of appeal for the public authority on a decision of the OCEI, during which process no request would be complied with. - Require the publication of Ministerial implementation guidelines every three years - Amending Article 15 such that the public authorities may levy a charge in advance of the supply of any environmental information - 	No	Yes
Government Department	n/a	O		No	No
SSE Plc	-Designation of electricity generation companies as public authorities	O		No	No
Wind Energy Ireland	-Designation of electricity generation companies as public authorities	N		No	No
Energia	- Definition of Public Authority	N		No	No
Gas Networks Ireland	- Definition of Environmental Information should be narrowed -Commercially Sensitive Information should be brought into line with the FOI regime	N		No	No
NGOs					

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Environmental Pillar	<ul style="list-style-type: none"> - Finding of non-compliance by ACCC - Access to justice issues undermine efficacy & credibility of AIE 	P		<p>Yes:</p> <ul style="list-style-type: none"> - Timelines connotes relevance and context-specific consideration, rather than an arbitrary time limit. - The outer limit of three months, accounting for initial refusal, review and appeal, is too long for practically all statutory consent processes. - This has the potential to compromise the potential quality and effectiveness of informed participation in environmental decision-making across a range of sectors, including: forestry, planning, aquaculture, mining, water, waste etc. - The timescale also inhibits JR proceedings, which provides for a time frame of 8 weeks to pursue proceedings. <p>Proposals:</p> <ol style="list-style-type: none"> 1. Limit the need for requests in the first place, through proactive dissemination 2. Implement the enforcement obligation in Article 3(1) 3. Implement large-scale training and information processes for the public and stakeholders 4. Public Authorities should keep clear registers of the their functions and the environmental information which they hold, which should be developed following public consultation 5. Applications for Strategic Infrastructure and strategic Housing Developments should be available on An Bord Pleanála's website. 6. OCEI should establish and administer a complaints system. The OCEI also need further resourcing to facilitate this. 7. The OCEI should be subject to appearances before the Joint Oireachtas Committee. 	Yes
An Taisce	<ul style="list-style-type: none"> - Parallel AIE/FOI Regime - Timeliness - Active dissemination 	P		<p>Yes:</p> <ul style="list-style-type: none"> - Access to information on the environment is only valuable insofar as the issue to which that information pertains continues to be relevant. Timing and punctuality of access is therefore central to access to justice. - Detailed legislation should be introduced to clarify the obligations for public authorities, with the purpose of ensuring punctual and timely access to information 	Yes
Voice	<ul style="list-style-type: none"> - Definition of public authority - Active Dissemination Reducing delays and broad public participation 	P	<ul style="list-style-type: none"> - the definition of a public authority should be broadened to include any natural or legal persons carrying out duties, activities or services in relation to the environment under licence by the state. - Environmental information must be actively disseminated by public authorities online. 	<p>Yes:</p> <ul style="list-style-type: none"> - The delay in dealing with appeals by the OCEI is a failure of the system, and undermines the effectiveness of the process. - The OCEI should be given greater resources to expedite appeals. 	Yes

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Community Law & Mediation	<ul style="list-style-type: none"> - Accessibility of environmental information - Timeliness of Access - Timeliness of Appeals - Active Dissemination - Costs Considerations 	P	<ul style="list-style-type: none"> - Design and implementation of a human rights and equality matrix to be part of the consultation process - Amendments that provide a strong legal basis for meaningful and timely access to information - Reduction of administrative barriers - Ensuring timeliness of access - More rigorous duties on public authorities to actively disseminate environmental information - extend the reduced appeal fee to NGOs 	<p>Yes:</p> <ul style="list-style-type: none"> - It is not realistic to expect any real change in timeliness of access in the absence of adequate State resourcing. - Specific deadlines for decision-making should be imposed. - In circumstances where a Court has made an order declaring that information falls within the Regulations, the State should prescribe default rules that apply to the Commissioner in all such cases. - The standard reliance on the two-month deadline by public authorities is clearly contrary to the right to information in the Directive. - Article 7(2)(b)(i) requires a public authority to explain why it is not possible to comply with the one month deadline. These explanations are often terse and unhelpful. A culture of compliance and dissemination must be fostered. - The regulations should be amended to reflect an obligation similar to that in the FOI Act to rule on appeals as soon as may be and not later than four months after receipt. 	Yes
Right2Know	<ul style="list-style-type: none"> - Parallel FOI/AIE Regime is a major issue - Adequate training for Public Authorities and Officials - Timeliness - Active Dissemination - Scope of the Regulations - Removal of Internal Review - OCEI 	P		<p>Yes:</p> <ul style="list-style-type: none"> - The provision of timely remedies by reference to the timeframe specified by the requestor is crucial. - Timing of access as well as review over disputes over access is just as important as access itself. - Due to lack of guidance, timing elements of the legislation are left at the discretion of the public authority - Detailed legislation should be introduced to clarify what the obligations are for public authorities - Where information is sought in a consent procedure, provision should be made for dealing with requests for information in the course of the procedure. 	Yes
Other					
AllOne Corporate Solutions		N	<ul style="list-style-type: none"> - The broader scope for AIE in comparison to FOI is positive. - Discretionary Grounds for refusal should be included to echo the provision in the FOI Act. - Clarification to Article 9(2)(a) is required to echo Section 15(1)(c) of the FOI Act. This would introduce a provision dealing with manifestly unreasonable requests due to volume or range. - Non-payment of a fee should be added as grounds for refusal - Records in the public domain should be added as grounds for refusal - The system of fees should be overhauled in line with the FOI Regime. 	No	No

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Just Transition Greens	- Amendments to Articles 5-9 & 12	P	<ul style="list-style-type: none"> - Article 5(1)(b) - Public authorities should be unconditionally required to hold information in accessible formats. - Amend Article 5 to facilitate and require active dissemination by public authorities. - Remove the requirement that applications be made in writing. - Delete paragraph 6(1)(b) - Remove the requirement to provide an address, which excludes various groups from access. - Article 8 of the Regulations is more restrictive than the Directive, and should be amended accordingly to ensure wider access to information. - Oblige the OCEI to issue direction for the adequate and effective resolution of any order made by the Courts. - Oblige the Minister to create and maintain a list of all public authorities - Reduce the fee for appeal to OCEI from €50 to €25, and waive the fee for relevant NGOs. 	<p>Yes:</p> <ul style="list-style-type: none"> - Oblige public authorities to acknowledge receipt of requests within two days and inform applicants of the status of their request within ten days. - Ireland has one of the longest periods in the EU for responding to AIE requests. Many EU countries provide for two weeks. - Amend article 12(6) to ensure that the time taken by the OCEI to publish decisions on appeals is shortened significantly, by imposing a four month limit. 	Yes
Individual 01	<ul style="list-style-type: none"> - Minimise grounds for refusal of requests - Make the appeals process more flexible, including reviewing the use of fees - Run an education campaign to government bodies about their responsibilities under AIE. 	P		No	No
Individual 02	<ul style="list-style-type: none"> - Extension to time limits requested without clear reasons - Poor use of the public interest test - Non-independence of the internal review process. - Poor record keeping within Public Authorities - Unhelpfulness of public authorities in codifying requests 	P	<ul style="list-style-type: none"> - Legal terminology should be simplified - Tougher compliance measures should be implemented on public authorities - Public authorities should operate under a presumption that they will release records. 	<p>Yes -</p> <ul style="list-style-type: none"> - The obligation to provide information as soon as possible is not honoured - requests are processed on the last day possible. - Article 7(b) should be amended to oblige Public authorities to release partially collated data, in circumstances where the whole request cannot be responded to within the time limit. - Time limits for OCEI appeals should be codified into the regulations 	No
Individual 03	<ul style="list-style-type: none"> - Definition of Environmental Information - Definition of Public Authority - Definition of Information held by/for Public Authority - Definition of Applicant/Public - Articles 3-9 & 12 of AIE Regulations 	P		<p>Yes:</p> <ul style="list-style-type: none"> - Article 7(2) is unsatisfactory because issues precipitating requests for information are often in their nature time-sensitive. - A requestor of environmental information must be informed within three working days of their request whether the information is available or not, and where it is available, the link to a cloud location where it can be downloaded. 	Yes
Individual 04	<ul style="list-style-type: none"> - There should be no up-front fee requests - The definition of environmental information should be narrowed 	N		No	No
Individual 05	Article 3-9 & 15	O	<ul style="list-style-type: none"> - There is a need for greater clarity on the definition of a public authority - Article 4(2)(a) should be removed to clarify that local authorities cannot refuse access to records on the grounds that they are viewable in-person. - There is a need for a specific deadline for the OCEI to decide a case 	<p>Yes:</p> <ul style="list-style-type: none"> - The OCEI should be required to decide a case within a formal timeframe, in line with the findings of the ACCC that reviews are conducted in a timely manner. 	Yes

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Individual 06	- Access - Participation - Justice	P	- The Public Participation Network is very weak, ineffective and undemocratic.	No	No
Individual 07	- Public Participation Networks - Costliness of access to justice	P	- the Public Participation Network does not give citizens access to justice. It is top-down in its approach and neglects community approaches.	No	No
Individual 09	Echoes Just Transition Greens Submission	P	Echoes Just Transition Greens Submission	Yes - echoes Just Transition Greens submissions	Yes
Individual 10	Time limits and timeliness of response - Good practice - Dissemination - Capacity Building	P	- Active dissemination obligations have not been transposed. - There should be lists of all public authorities - The AIE Regulations provide for mandatory exceptions, which are not present in the Directive. The default presumption should be access.	Yes: - time limits are longer in Ireland than other European countries. - Public authorities usually treat the outer limit of two months as the actual deadline - All public authorities should submit to central database annual reports on the requests, the response times, and the reasons for exceedance of any time limits. - The OCEI should be required to deliver its decision on appeal as soon as possible, and not later than 4 months after receipt.	No
Individual 13	- Active Dissemination - timeframes of appeals to the OCEI - Appeal Fees	O	- Awareness of the AIE Regulations is lacking in society, and public authorities should actively disseminate information on the issue. - The OCEI should be required to give a decision on an appeal in a specified timeframe - The charging of fees under Article 15 may be considered prohibitive to action, and should be removed.	Yes: -- The OCEI should be required to give a decision on an appeal in a specified timeframe	Yes
Individual 14	Echoes Just Transition Greens Submission	P	Echoes Just Transition Greens Submission	Yes - echoes Just Transition Greens submissions	Yes
Individual 16	- Interpretation - Article 5(1)(b) - Removal of fees for access - Active dissemination - Constitutional Change	P	- Brief allusions to the need to amend Article 5(1)(b) to delete 'make all reasonable efforts to' - A fundamental right of access to information held by all public bodies should be inserted into the Constitution	No	No
Individual 17	n/a	O	n/a	No	No
Individual 18	- Articles 3-15	O	- Onerous burden on private individuals in routinely taking appeals to OCEI - lack of provision for lay people to get independent advice on their rights - lack of expertise in public bodies re definition of environmental information - Definitive list of public bodies for the purposes of the regulations should be published and maintained - Lack of active dissemination work undertaken by public authorities - Registers of environmental information should be maintained by the public authorities	Yes - - Time limits may be used to deem requests 'manifestly unreasonable' - the Department should sponsor dedicated staffing hours dedicated to bringing all public authorities' archives and records to a modern standard, thereby saving time and avoiding delay. - There should be a longer time period allocated for requestors to lodge a request for an internal review.	No
Individual 19	- The current regulations do not comply with the Directive. - The judgments of the CJEU must be implemented in Ireland	P		No	Yes