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Mr. Fred Logue
12th April 2022
By email to: fred.logue@fplogue.com

Re: AIE request [OEE AIE 2022 06] – Decision on Internal Review

Dear Mr. Logue

I refer to your request, received on 14th March 2022, which you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for an internal review of the EPA's decision to grant access to records requested by you because they are publicly available to view via the EPA's LEAP (Licence Enforcement Access Portal) system by prior appointment at the EPA's offices in Wexford, Dublin and Cork.

Background Information on the EPA's LEAP (Licence Enforcement Access Portal) system

The EPA provides the public with access to enforcement information via the LEAP system. It routinely makes substantial amounts of enforcement information available for public inspection, by appointment, at three of its offices - Dublin, Wexford and Cork.

Result of the internal review of this decision

I am the Information Officer who carried out the internal review of your request. I decided on 12th April 2022, to affirm the original decision on your request. This decision on review is an entirely new and separate decision on your request and is explained as such below.

I note in your appeal that you request remote access to the records or request that the file be extracted from the LEAP system and provided to you in electronic format.

I can confirm that the EPA's IT Department have advised me that the LEAP system is not designed to allow for files to be downloaded and provided to you in electronic format. They have also confirmed to me that the LEAP system is not currently designed to allow for remote access.

Article 7(3)(a) of the above referenced Regulations states that where a request has been made to a public authority for access to environmental information in a particular form or manner, access shall be given in that form or manner unless-

- (i) the information is already available to the public in another form or manner that is easily accessible, or
- (ii) access in another form or manner would be reasonable.

It is my opinion that the information requested is available to the public in another manner that is easily accessible and that it is reasonable to provide the information in that manner.

I can also confirm that members of the public who visit EPA offices to inspect files on the LEAP system, are provided with every assistance on the day with accessing and navigating the system and are provided with printing facilities (linked to the LEAP system) to make copies of any information they wish to access.

Right of Appeal

In accordance with Article 12(3) of the AIE Regulations you may appeal this decision to the Commissioner for Environmental Information. If you wish to appeal, you must do so, within one month of receipt of this notification, to:

The Office of the Commissioner for Environmental Information,
6 Earlsfort Terrace, Dublin 2, D02 W773.
Phone: +353-1-639 5689
Email: info@ocei.ie

It is also possible to appeal online, see the website of the Commissioner for further details
<https://www.ocei.ie/>.

The fee for such an appeal is €50 or €15 if you are the holder of a medical card or the dependent of the holder of a medical card.

If an appeal is made by you, the Commissioner for Environmental Information will fully investigate and consider the matter and issue a fresh decision.

Yours sincerely,



Dr. Tom Ryan
Director
Office of Environmental Enforcement