

FREEDOM OF INFORMATION PUBLICATION SCHEME
FOR THE
OFFICE OF THE COMMISSIONER FOR ENVIRONMENTAL INFORMATION

A. Information about the Office of the Commissioner for Environmental Information

Who we are and what we do

The primary function of the Office of the Commissioner for Environmental Information is to review decisions made by public authorities under the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (the AIE Regulations) ([See "About Environmental Information"](#)).

Establishment

The Office of Commissioner for Environmental Information (the Office) was established by article 12(1) of the European Communities (Access to Information on the Environment) Regulations 2007. ([Link to "About the Office"](#))

The office- holder is the Commissioner for Environmental Information (the Commissioner). The Commissioner holds office by virtue of article 12(2) of the AIE Regulations, which provides that the holder of the Office of Information Commissioner (OIC) is also the holder of the Office of Commissioner for Environmental Information. ([Link to "About the Commissioner"](#))

Role and responsibilities

The statutory role of the Office is set out in the European Communities (Access to Information on the Environment) Regulations 2007 to 2014. ([Link to the Legislative Framework](#)) These Regulations give effect in Ireland to European Union Directive 2003/4/EC, which guarantees the right to access environmental information held by or for public authorities. The Office is responsible for the efficient operation of the independent appeals mechanism provided by the AIE Regulations.

In relation to Freedom of Information (FOI) responsibilities, the Office is a partially excluded body for the purposes of the Freedom of Information Act 2014 (FOI Act) (as provided in Schedule 1, section 6, Part 1 of that Act).

In the performance of its functions under the AIE Regulations, the Office is excluded from being subject to the FOI Act “other than insofar as it relates to records concerning the general administration of those functions”.

This means that records held by the Office which relate to specific appeals (as opposed to records concerning the general administration of the Office’s functions) are not required by law to be made available to the public.

Functions of the Commissioner

In accordance with the AIE Regulations, the Commissioner's functions are:

- To review the decisions of public authorities on AIE requests.
- To affirm, annul or vary the decision concerned.
- To require, where appropriate, the public authority to make environmental information available to the applicant.

Records held by the Office

The range of records held in the Office falls within the following broad categories (some of which may overlap):

Internal Administration Records

- Civil/Public Service Guidelines and Circulars.
- Speeches and Presentations by the Commissioner/staff of the Office.
- Lists of AIE contacts in public authorities.
- Notes and minutes of management meetings and associated documentation.
- Records relating to the publication of reports, e.g. the annual report.
- Management of the Office's website.
- Management of case reviews.
- Statistics on case reviews.
- General enquiries and correspondence.

Note: Personnel records, accounts records, assets register, and media coverage records are held by the Office of the Ombudsman on behalf of OCEI.

Policy

- Records of communication with the Department of the Environment, Community and Local Government.
- Records of internal policy.

Legislation and related matters

- Records of communication with the Department of the Environment, Community and Local Government and with the Department of Public Expenditure and Reform.

Staff Instructions/Guidelines

- Internal procedures records.

Investigations, and Reviews by the Commissioner

- Case records, including records of communications with public authorities, appellants and third parties.
- Submissions made by public authorities, appellants and third parties.

- Records of legal advice sought and received.
- Decisions of the Commissioner.
- Other records relating to investigations and reviews, including settlement details, case-closure details, investigations, analysis, and comment by officials of the Office.

Governance and Management arrangements

The Commissioner is independent in the performance of his functions. The senior management team consists of the Commissioner, Director General and Senior Investigator.

This Office is committed to best practice structures, processes and systems that support the successful operation of duties in an ethical, accountable, transparent and effective manner. Details of the Office's governance arrangements can be found in its Corporate Governance Framework document, which sets out the systems, principles and processes by which the Office is directed and controlled.

Corporate Plans and Strategies

The Office's Policies and Strategies are available via this [Link](#)

The Office contributes to, and is guided by, the wider Strategy Statement of the Office of the Ombudsman (with which the Office is located). A copy of that Statement is available via this [Link](#).

Annual Report

The Office publishes annual reports. These are available at

- The Office at 18 Lower Leeson Street, Dublin 2.
- On our website at [Annual Reports](#)
- The Government Publications Office. This Office provides a Postal Trade Service. Its address is Office of Public Works, Government Publications, 52 St Stephen's Green, Dublin 2. Orders are accepted by telephone, email and post. A Call Centre operates Monday to Friday 09.30 to 13.00 and 14.00 to 17.00 to assist callers and accept order payments by card, cheque or postal order. There is also a dedicated email address, with all queries responded to on the next working day. Tel: 01 647 6834 or email: publications@opw.ie

Organisational Structure

Article 12(10) of the AIE Regulations provides that the Commissioner shall be assisted by the staff of the OIC and by such other resources as may, from time to time, be available to that office. The structure of the Office consists of senior management and investigators. Support is provided by the Support Unit of the Office of the Information Commissioner.

Organisation

Commissioner: Peter Tyndall

Director General: Jacqui McCrum

Senior Investigator: Elizabeth Dolan, Principal Officer

Investigators: 2 Assistant Principal Officers

Support Staff: The staff of the Support Unit of the Office of the Information Commissioner (which consists of one Higher Executive Officer, two Executive Officers and three Clerical Officers) provides assistance to the Office, most notably by carrying out the initial processing of newly received appeals (for validation and formal acceptance).

Pay Grading

The Commissioner also serves as the Ombudsman and as the Information Commissioner. He is also an ex officio member of the Standards in Public Office Commission, the Commission for Public Service Appointments, the Referendum Commission and the Constituency Commission. His salary is equivalent to that of a Secretary General III in the Civil Service.

Similarly, the Director General acts as for the Office of the Ombudsman and the Office of the Information Commissioner. Her salary is that of an Assistant Secretary in the Civil Service.

The Senior Investigator also serves the Office of the Information Commissioner and the Office of the Ombudsman.

The salary scales of civil servants may be found in the circulars available at the following links:

[Salaries from Secretary General to Assistant Principal](#)

[Salaries from AO to CO](#)

[Salary of HEO](#)

Location of Office

The Office is located with the Office of the Ombudsman at 18 Lower Leeson Street, Dublin 2.

Contact details

General Enquiries

Requests for information may be directed to any of the following, as appropriate

Post: OCEI, 18 Lower Leeson Street, Dublin 2, D02 HE97.

Phone: +353-1-639 5689 (please say that your call relates to OCEI and ask to speak to the Support Unit)

Lo-call: 1890 253 238

Fax: +353-1-639 5674 or +353-1-639 5676 (please mark your message “For OCEI”)

Email: info@ocei.ie

Opening Hours: 9.15 am to 5.30pm, Monday to Thursday, and 9.15 am to 5.15 pm on Friday.

Media Enquiries

Contact David Nutley, Communications, Office of the Ombudsman

Phone: 01 639 5610 or 086 023 1420

Email: david.nutley@ombudsman.ie.

Customer Charter

The Office has adopted the Office of the Ombudsman’s Client Service Charter. This is available at [Client Service Charter](#).

Code of Practice

The staff of the Office are civil servants in the Civil Service of the State and are therefore bound by the [Civil Service Code of Standards and Behaviour](#).

B. Services Provided to the Public

The service we provide

The Office acts as an appeal body for those dissatisfied with the response of public authorities to requests for environmental information.

How our service can be accessed

Appeals can be made online using our website at ["Make an Appeal"](#). Alternatively, appeals can be delivered by post to our postal address, or by email to info@ocei.ie. Please note that appeals can only be accepted when they are made in accordance with the eligibility and procedural requirements set out in the AIE Regulations.

As a general rule, appeals must be initiated not later than one month after receipt of the public authority’s internal review decision, or, where no decision is notified, not later than one month after such a decision was required to be notified to the applicant.

The Commissioner has discretion to extend the time for initiating an appeal when he is satisfied that, in the circumstances of the case, it is reasonable to do so.

How much it costs to access our service

Article 15(3) of the AIE Regulations provides that (subject to sub-article (4)) a fee of €50 shall be charged for making an appeal to the Commissioner.

Sub-article (4) provides that the fee shall be €15 in the case of the holder of a medical card, or the dependent of a holder of a medical card, or a person other than the applicant who would be incriminated by the disclosure of the environmental information concerned.

Article 15(5) provides that the Commissioner may waive or refund fees in certain circumstances.

Right of appeal relating to the service we provide

Article 13 provides for a right of appeal to the High Court on a point of law arising from a decision by the Commissioner. Such an appeal may be made by a party to the appeal (that is, a party to the appeal to OCEI which led to the Commissioner's decision) or by any other person affected by the decision. An appeal must be initiated not later than 2 months after notice of the decision was given to the person taking the appeal.

C. Decision-making process for major policy proposals

How the Office makes decisions

The Office is a review body and does not make major policy proposals.

However, the Commissioner occasionally provides comments on relevant policy proposals.

Financial Information

What we spend

The Office is funded under the vote allocated to the Office of the Ombudsman.

For the most recently published Appropriation Account, see [here](#).

Procurement

How the Office spends money

A copy of our Corporate Procurement Plan 2014 – 2016 is available [here](#).

D. FOI Disclosure Log and other Information to be Published Routinely

Freedom of Information (FOI) disclosure log

The Office received no FOI requests since January 2015.

FOI Requests to the Office

Under the FOI Act, any person is entitled to apply for access to information which is not otherwise publicly available. In general, as person has a right of:

1. Access to records held by the Office.
2. Correction of personal information, relating to oneself, held by the Office, where such information is inaccurate, incomplete or misleading.

3. Access to reasons for decisions made by the Office which directly affect oneself.

The FOI Act does not cover all records held by the Office. The Office is a partially excluded body for the purposes of the Freedom of Information Act 2014 (FOI Act) (as provided in Schedule 1, section 6, Part 1 of that Act). This means that records held by the Office which relate to specific appeals (as opposed to records concerning the general administration of the Office's functions) are not required by law to be made available to the public.

FOI requests relating to records of the Office should be made to:

Rosanne Meehan
FOI Liaison Officer
Office of the Commissioner for Environmental Information
18 Lower Leeson Street
Dublin 2

Telephone: +353-1-639 5689 Fax: (01) 6395676 Email: foi@oic.ie

Requests should be made in writing and should specify that they are being made under the FOI Act. The form in which the records are sought – e.g. photocopies/disk – should be stated in the request. To allow identification of the records sought, requesters should describe the records in as much detail as possible. If possible, a contact number which can be used during office hours should be provided for the purpose of clarifying the details of an FOI request. The staff of the Office will assist in the formulation of an FOI request, if necessary.

The Office will acknowledge a request under the FOI Act within two weeks. This will include notification that, in the event that the requester is not satisfied with the FOI decision issued, there is a right to request an internal review of the decision. The decision will issue within four weeks.

Right to Internal Review of a Decision

The FOI Act provides for a right to internal review of decisions of public bodies. An internal review may be requested where an FOI request has been refused or partially granted or where access has been deferred. An internal review can also be requested where the form of access or the level of fees charged is disputed. *Refusal of an FOI request is deemed to have occurred where a decision has not issued within four weeks of receipt of the FOI request.*

Requests for internal review of decisions of the Office should be made, in writing, to:

Rosanne Meehan
FOI Liaison Officer
Office of the Commissioner for Environmental Information
18 Lower Leeson Street
Dublin 2

Telephone: +353-1-639 5689 Fax: (01) 6395676 Email: foi@oic.ie

who will ensure that the review is carried out by an official at a higher level than the official who made the original FOI decision. Such a request should be made within four weeks of the

original decision. The decision following internal review must issue within three weeks of its receipt.

Information published by the Office

Annual Reports

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Other publications

News, media releases, speeches and articles are also published from time to time on the Office's website at [News](#).

The Office also publishes decisions made by the Commissioner on its website at [Decisions](#) and court judgements on appeals made against the Commissioner's decisions at [Appeals to the Courts](#).

Information held by the Office which is sought regularly

Most requests for information from the Office are requests for information about how to make an appeal. Persons making such requests are assisted by Support Unit staff and directed (if appropriate) to where they may obtain further information on the Office's website at ["Make an Appeal"](#).

A smaller number of requests are for information on how appeals are processed. Once again, persons making such requests are assisted and directed (if appropriate) to where they may obtain further information in the Procedures Manual on the Office's website at [OCEI Procedures Manual](#).

Website

The Office maintains a website at www.ocei.ie. It provides information on the following:

- The Commissioner.
- The Office.
- Environmental Information.

- Legislation.
- The Office's policies and strategies.
- How to contact the Office.
- How to make an appeal.
- News, media releases, speeches and articles.
- Decisions, including a facility to search decisions and to access full decisions.
- Appeals to the Courts.
- Publications.

The website also provides a facility for appealing to the Office and paying the appeal-fee online.