

L.N. 217 of 2001

ENVIRONMENT PROTECTION ACT, 2001
(ACT NO. XX OF 2001)

Freedom of Access to Information on the Environment
Regulations, 2001

IN exercise of the powers conferred by articles 3, 9, 19, 23 and 28 of the Environment Protection Act, 2001, the Minister for the Environment has made the following regulations:

Citation and commencement.

1. (1) The title of these regulations is the Freedom of Access to Information on the Environment Regulations, 2001.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

Scope.

2. The purpose of these regulations is to ensure freedom of access to and the dissemination of, information on the environment held by public authorities, and to set out the basic terms and conditions on which such information should be made available.

Definitions.

3. For the purpose of these regulations -

"competent authority" means the Department for Environment Protection under the guidance of the Director for Environment Protection and such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe and different bodies or persons may be designated as a competent authority for different provisions and different purposes of these regulations;

"information relating to the environment", means any available information in written, visual, aural or database form on the state of water, air, soil, fauna; flora, land and natural sites, and on activities (including those which give rise to nuisances such as noise) or measures adversely affecting, or likely so to affect these, and on activities or measures designed to protect these, including administrative measures and environmental management programmes;

"public authorities" means any public administration at national, regional or local level with responsibilities, and

information, relating to the environment with the exception of bodies acting in a judicial Or legislative capacity.

4. Any person may in writing or by electronic mail, request the competent authority, to provide him with any information relating to the environment, which is held by the competent authority or by other public authorities.

Public request for information.

5. The competent authority shall, if it has in hand the requested information, within thirty working days provide a reply in a written, visual, aural or database form to any request for information relating to the environment.

Competent authority to give information.

6. The competent authority shall, within seven days in writing or by electronic mail, forward any request for information relating to the environment to the competent public authorities which hold the requested information.

Public authorities also to be consulted.

Provided that bodies with public responsibilities for the environment and under the control of public authorities, may also be requested to provide information relating to the environment through the competent public authority.

7. The competent public authorities shall forward their reply to the requested information on the environment in a written, visual, aural or database form to the competent authority within thirty five days from when the request for information on the environment was submitted to them by the competent authority.

Public authorities to give requested information.

8. The competent authority shall provide the person who requested the information on the environment, with a reply, in a written, visual, aural or database form, within fifteen days from when the competent public authorities forwarded to it their reply to the requested information on the environment.

Competent authority to give information provided to requesting person.

9. Notwithstanding articles 4,5 and 8 of these regulations, the Minister responsible for the environment may request the competent authority, on its own behalf, or on behalf of a public authority, to refuse to provide a reply to a request for information on the environment where it is manifestly unreasonable or formulated in too general a manner or when it affects:

Minister may request refusal of reply.

- (a) the confidentiality of the proceedings of public entities;
- (b) international relations, national defence, or public security;

(c) matters which are *sub judice*, or under inquiry (including disciplinary inquiries), or which are the subject of preliminary investigation proceedings;

(d) matters of a commercial and industrial confidentiality, including intellectual property;

(e) the confidentiality of personal data and, or files;

(f) material supplied by a third party without that party being under a legal obligation to do so;

(g) material the disclosure of which would make it more likely that the environment to which such material is so related, would be damaged;

(h) material which has not been yet finalised;

(i) internal correspondence.

Provided that information on the environment held by public authorities may be supplied in part where its possible to separate out information on items concerning matters referred to in article 9 of these regulations.

Provided further that when there is such refusal, the competent authority shall reply in writing or by electronic mail to the person who made a request for information on the environment, declaring the reasons for such a refusal.

Costs for providing information.

10. The competent authority may make a reasonable charge to cover any costs incurred in providing the required information.

Public bodies to make available information.

11. The competent authority shall take the necessary steps to ensure that information relating to the environment, held by bodies with public responsibilities for the environment which fall under the control of public authorities, is made available in accordance with these regulations.