

Guidance Note on

Submission of Confidential Information to the OEE

In line with the provisions of the Access to Environmental Information (AIE) Regulations, the Freedom of Information (FoI) Acts and the EPA's policy on public access to enforcement information, all formally required enforcement correspondence that is exchanged between the Agency and its licensees is considered to be publicly accessible on request via the EPA's LEAP (*Licence Enforcement Access Portal*) system.

Accordingly, any information that you submit to the OEE through EDEN in connection with your licence (with the exception of certain financial documentation and documents related to specific details of complaints) is automatically uploaded to the EPA's LEAP Portal, and will be available for viewing at any EPA regional office immediately thereafter.

You should carefully consider your need to include confidential information in any submission. In the event that you wish to submit correspondence to the EPA which contains information that you wish the Board of the EPA to consider as confidential in accordance with AIE and FoI, the following procedure shall be followed:

- 1 Submit the relevant information in hard-copy only to the relevant EPA regional inspectorate along with a request that this information be treated as confidential. You should clearly outline the reasons for your request, with reference to the applicable provisions of the relevant legislative instrument (AIE or FoI).
- 2 Your confidentiality request will be considered by the Board of the EPA, and the regional OEE office will revert with a decision on your request.
- 3 Should your request be rejected, then the submission will be returned and you will be requested to re-submit the information by means of an EDEN submission for upload to the LEAP Portal.
- 4 Should your request for confidentiality be accepted in respect of the entire submission, you will be advised that
 - a. your submission will be marked "Confidential – not for release" and will be retained by the Agency in secure storage; or
 - b. your submission will be returned and must be retained on site by you; it will be subject to subsequent request by Agency inspectors.

A "placeholder", with date and time received and a summary of the subject matter, will be uploaded to the LEAP portal indicating that a submission was received that was considered as confidential by the Board of the EPA.

- 5 Should your request for confidentiality be accepted in respect of part of the submission, you will be required to submit the remaining information, for upload to the LEAP Portal, omitting the confidential information that was present in your original submission. The confidential portion of the submission will be managed as set out at Step 4.
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