

Annex S6-E: Department of Transport answer to PQ 25673/26 (Deputy Ann Graves TD), 14 April 2026

Message metadata

- **Date:** Wed, 15 Apr 2026 09:08:18 +0000
- **From:** Ann Graves Ann.Graves@oireachtas.ie
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- **Subject:** PQ reply

Body

Gareth, a chara

Please see below reply from the Minister in relation to your recent query.

Please let me know if there is anything further I can assist you with.

Is mise

Ann Graves TD Sinn Féin Spokesperson on National Drug and Alcohol Strategy, Addiction, Recovery and Wellbeing Leinster House Dublin 2

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For Written Answer on : 14/04/2026 Question Number(s): 1068 Question Reference(s): 25673/26 Department: Public Expenditure, Infrastructure, Public Service Reform and Digitalisation Asked by: Ann Graves T.D. _____

QUESTION

To ask the Minister for Public Expenditure; Infrastructure; Public Service Reform and Digitalisation whether Dublin Airport Authority's exemption from the freedom of information act remains appropriate given that it operates the State's largest airport and its decisions on flight path design, noise mitigation, and capacity directly affect the health and welfare of approximately 30,000 residents (details supplied); whether AirNav Ireland,

established in April 2023 as part of the same restructuring, is subject to the Freedom of Information Act 2014; if not the statutory basis on which it is exempt; whether he is aware that DAA is also exempt from oversight by the Office of the Ombudsman; whether he considers it consistent with Ireland's obligations under the Aarhus Convention that the body which operates Dublin Airport is exempt from freedom of information, exempt from Ombudsman oversight, and yet makes decisions on flight path design, noise mitigation, and capacity that directly affect the health and welfare of approximately 30,000 residents with no independent accountability mechanism available to them; and if he will make a statement on the matter. (Details Supplied) whether he is aware that the Commission for Aviation Regulation (CAR) was subject to the Freedom of Information Act 2014 prior to its merger into the Irish Aviation Authority in 2022; that the IAA is exempt from the Freedom of Information Act; that the effect of the merger was to remove FOI access to the economic regulation of Dublin Airport, including decisions on airport charges that directly affect the cost of noise mitigation and infrastructure investment; whether Dublin Airport Authority's exemption from the Freedom of Information Act remains appropriate given that it operates the State's largest airport and its decisions on flight path design, noise mitigation, and capacity directly affect the health and welfare of approximately 30,000 residents; whether AirNav Ireland, established in April 2023 as part of the same restructuring, is subject to the Freedom of Information Act and if not, the statutory basis on which it is exempt; whether he is aware that DAA is also exempt from oversight by the Office of the Ombudsman; and whether he considers it consistent with Ireland's obligations under the Aarhus Convention that the body which operates Dublin Airport is exempt from Freedom of Information, exempt from Ombudsman oversight, and yet makes decisions on flight path design, noise mitigation, and capacity that directly affect the health and welfare of approximately 30,000 residents with no independent accountability mechanism available to them REPLY

Consistent with the approach adopted since Freedom of Information (FOI) legislation first came into effect in 1998, commercial State bodies are typically not subject to FOI requirements. The rationale for this approach is the risk of creating an uneven competitive market environment where commercial State bodies are subject to FOI, but their privately-owned market competitors are not. Section 6 of the FOI Act 2014 sets out the criteria for what constitutes an FOI Body. It provides:

"6. (1) Subject to this section, each of the following shall be a public body for the purposes of this Act: (a) a Department of State; (b) an entity established by or under any enactment (other than the Companies Acts); (c) any other entity established (other than under the Companies Acts) or appointed by the Government or a Minister of the Government, including an entity established (other than under the Companies Acts) by a Minister of the Government under any scheme; (d) a company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government; (e) a subsidiary (within the meaning of the Companies Acts) of a company to which paragraph (d) relates; (f) an entity (other than a subsidiary to which paragraph (e) relates) that is directly or indirectly controlled by an entity to which paragraph (b), (c), (d) or (e) relates;

[...etc.]" Of relevance to the interpretation of Section 6, as well as the Deputy's ques-

tion, is that Schedule 1, Part 2 sets out a list of 'Exempt Agencies'. The Dublin Airport Authority and the Irish Aviation Authority are both listed. Other exempt bodies on that list include a number of airport, port, and harbour authorities, Coillte, the Electricity Supply Board, An Post and Tourism Ireland, among others. 'AirNav', which is an operating name for the Irish Air Navigation Service, is a commercial semi-state company established under the Air Navigation and Transport Act 2022. As it operates under the aegis of the Minister for Transport, further relevant information may be available from the Department of Transport that would assist the Deputy. More generally, FOI requests are decided on a case-by-case basis, depending on the contents of the records concerned as well as the legislative framework. Comprehensive review mechanisms are available under the legislation where a requester is dissatisfied with the decision they receive. The Ombudsman's role is to examine complaints from members of the public who believe that they have been unfairly treated by certain public service providers including government departments, local authorities, the Health Service Executive (HSE), agencies such as charities and voluntary bodies that deliver health and social services on behalf of the HSE, public hospitals, publicly funded third-level education bodies, and public and private nursing homes. Similarly to the FOI framework, with regard to the question of oversight by the Ombudsman, the Second Schedule of the Ombudsman Act 1980 (as amended) provides a list of 'Exempt Agencies'. The Dublin Airport Authority, the Commission for Aviation Regulation, as well as the Irish Aviation Authority, are all listed. With regard to the Deputy's point about consistency with the Aarhus Convention, it should be noted that European law guarantees the right of public access to environmental information held by or for public authorities. It does this by means of European Directive 2003/4/EC on public access to environmental information, which is commonly known as the 'AIE Directive'. The AIE Directive was introduced to give effect to the international convention known as the Aarhus Convention. The AIE Directive has been transposed into Irish national legislation via the 'AIE Regulations'. Relevant to the Deputy's question is that both the DAA and AirNav provide information on their websites with regard to the applicability of the AIE regulations to them and the process by which AIE requests may be made to them. Finally, it might usefully be noted that all commercial entities operating in Ireland are subject to a range of legal, reporting and regulatory requirements outside of the FOI framework and that, as such, a wide range of legal remedies for disputes and complaints remain available to stakeholders and a substantial amount of information relevant to such bodies has already been published. I trust this clarifies matters for the Deputy.

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