



An Coimisinéir Faisnéise  
Information Commissioner

### Case RPSI/23/09

Decision of the Information Commissioner in his capacity as Appeal Commissioner on an appeal made under Regulation 15 of the European Union (Open Data and Re-use of Public Sector Information) Regulations 2021 (the Regulations)

**Date of decision:** 4 December 2025

**Appellant:** Mr X

**Public Sector Body:** Limerick City and Council (the Council)

**Issue:** Whether the Council's decision to refuse the appellant's request for re-use of the derelict sites register under Regulations 3(2)(d)(i), 3(2)(f), 3(2)(h)(i) and (ii), and 7(3) was in compliance with the Open Data Regulations.

**Decision:** The Commissioner annulled the Council's decision. He directed the Council to release the full register in excel/machine readable format.

**Right of Appeal:** A party to this appeal or any other person affected by this decision may appeal this decision to the High Court on a point of law from the decision, as set out in Regulation 20 of the Regulations. Such an appeal must be initiated not later than eight weeks after notice of this decision was given to the person bringing the appeal.

## **Background**

1. On 5 July 2023, the appellant made a re-use request to the Council under the Regulations in respect of the derelict sites register:

“I am seeking a complete copy of your Council’s Derelict Sites register, preferably in an open and machine-readable format, such as CSV or Excel. This should include the owner details of the sites in question.”
2. The appellant referred to Section 8 of the Derelict Sites Act 1990. Section 8(1) contains a list of items that must be entered on to the register, including at subsection (b): “the name and address of each owner and occupier, where these can be ascertained by reasonable enquiry”.
3. Section 8(5) provides that the register must be kept at the offices of the local authority and be available for inspection during office hours.
4. This provision was described by the Government of the day as a “commitment to open government” when the Act was being debated in the Oireachtas (see [here](#)).
5. I am satisfied that the “complete copy” referred to by the appellant is of the derelict site register containing the relevant items listed in Section 8(1) of the Derelict Sites Act 1990 (i.e. the full register).
6. On 2 August 2023, the Council issued its decision. It stated that it was refusing the appellant’s request under Regulations 3(2)(d)(i), 3(2)(f), and 7(3).
7. Regulation 3(2)(d)(i) provides that the Regulations do not apply to documents to access to which is excluded under the Data Protection Acts 1988 to 2018.
8. Regulation 3(2)(f) provides that the Regulations do not apply to “documents access to which is restricted by virtue of the enactments referred to in subparagraph (d) or any other enactment, including where a person is required to prove a particular interest in order to obtain access to documents”.
9. The Council also referred to Regulation 3(4)(a) which provides that nothing in the Regulations shall be read as “affecting any right or function under the Data Protection Acts 1988 to 2018.”
10. Regulation 7(3)(a) and (b) of the Regulations provides that nothing in the Regulations shall be construed as requiring a public sector body “to (a) create or adapt any document, (b) provide extracts from documents where this would involve disproportionate effort, going beyond a simple operation...”
11. The Council noted that Section 8(5) of the Derelict Sites Act 1990 provides that the register shall be kept at the offices of the local authority and shall be available for inspection at the offices of the local authority during office hours. The Council submitted that this is a limited right of access, which does not extend to providing a complete copy of the register for re-use. It also stated that the register contains personal data and providing the appellant with a copy would reveal or be capable of revealing personal data relating to another individual.
12. The Council also stated “I would be required to create a new register or adapt our existing Register to enable its disclosure to you without the identity of other individuals being revealed. That would be a time consuming and complex process which would involve disproportionate effort, going beyond a

simple operation. A limited copy of the Register, not containing personal data, is available on our website...”

13. I note that the Council’s [website](#) states that a full copy of the Register is available for viewing at the Council’s offices and a summary version is available on the website.
14. Also on 2 August 2023, the appellant submitted an appeal of the Council’s decision to this Office.
15. During the course of this review, the Council provided submissions to this Office in support of its decision. Its submissions included the following comments:
  - “An internal register of derelict sites is maintained internally by the Council and is stored by way of an excel spreadsheet (the “Internal Register”). The purpose of the Internal Register is to provide a working database with which the Council can work from in its management of derelict sites in the county.”
  - “The Internal Register contains the following details: entry number, reference number, location of land, description of land, area, folio reference, name of owner, name of reputed owner, name of occupier, date of entry in register, order number, whether the owner/occupier was notified of the entry, whether a section 11 notice was issued, as well as any other action taken by the Council under any other enactment in relation to the land, particulars of the use or intended use of the land, market value of the land as determined by Council, market value as determined on appeal, particulars of any development objective for the purpose of reserving the land for roads or parking places or for any of the purposes of reserving or preserving land indicated in Part IV of the 3rd Schedule of the Local Government (Planning and Development) Act 1963 which exist in relation to the land, particulars of any bond entered into by the owner of the land under section 25 of the 1990 Act, amendments, and additional entries or remarks, removal from register.”
  - “The Internal Register contains commercially sensitive information, for example, where a corporate owner intends to sell a site, as well as notes written by Council workers providing an update on the file. Notes insert to the Internal Register often include the personal data of others (such as neighbours or other people who have been contacted or spoken with in relation to the site). These notes can also contain details of any financial levies owed. The Council believes that this information should not be disclosed, and accordingly, that the Internal Register should not be released...”
  - “Separately, there is an abridged copy of the register available for public inspection (the “Public Register”). The Public Register is mandated by section 8 of the Derelict Sites Act 1990 (as amended) (the “1990 Act”). It contains the information required under section 8 (1) of the 1990 Act including: “(a) particulars of any land in their functional area which, in their opinion, is a derelict site, (b) the name and address of each owner and occupier, where these can be ascertained by reasonable enquiry, (c) particulars of any action taken by the local authority under this Act or under any other enactment in relation to the site, (d) in the case of land owned or occupied by a local authority, particulars of the use, if any, which is being made of the land and particulars of any purpose for which the land is intended to be used, (e) particulars of the market value of urban land as determined by the local authority, or by the Tribunal on appeal, in accordance with the provisions of section 22, and (f) such other particulars as may be prescribed.”
  - “Regulation 3(1) of the Derelict Sites Regulations 2000 (S.I. No. 455 of 2000) further provides that: A local authority shall enter on to the register, in addition to the particulars specified in section 8 (1) (a) to (e) of the Act, — (a) Particulars of any development objective for the purpose of reserving

the land for roads or parking places or for any of the purposes of reserving or preserving land indicated in Part IV of the Third Schedule to the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963), or for any of the purposes of reserving or preserving land indicated in Parts IV and V of the First Schedule to the Act of 2000, which exists in relation to land particulars of which are entered on to the register, and (b) Particulars of any bond entered into by an owner of urban land under section 25 of the Act.”

- “The Public Register is created by producing a copy of the Internal Register and removing information which is not required to be published by law (for example the Council’s notes, details on levies owed, etc.). The copy is then generated to make a PDF and is printed and kept in the Council’s office for public inspection. Members of the public may inspect the Public Register in person during office hours at the Council’s office in Merchant’s Quay, Limerick City.”
- “A limited version of the Public Register is also available in PDF online which contains the following details: a reference number, the address and Eircode of the derelict site as well as the designated area in which the site is located (the “Online Register”).”
- The Online Register can be accessed online at <https://www.limerick.ie/council/services/housing/derelict-and-vacant-sites/derelict-sites>
- Accordingly, there are three versions of the Register: the Internal Register, the Public Register, and the Online Register.

16. The Council went on to reiterate its position as set out in its decision. Among other things, it commented:

- “It is the Council’s view that the wording of section 8(5) of the 1990 Act imposes a limitation on the right of access to the Public Register, in that it may only be available for inspection at the Council’s offices during opening hours. We submit that just because a document is accessible, does not mean that it can be released unconditionally. We further submit that access to the Internal Register does not fall within the scope of the PSI Regulations as this document is produced solely for the Council’s internal management of derelict sites and a right of access has not been established to the Internal Register.”
- “...section 8 of the 1990 Act provides a requirement that the register of derelict sites be maintained by the Council and that it shall be kept at its offices available for inspection only.”
- “Due to the wording of the 1990 Act, the Council believes that only a single copy of the Public Register should exist and this should be under the sole control of the Council and kept at its office available for public inspection. Release of the Register would also undermine data protection legislation which requires the deletion or correction of outdated or incorrect information from the Register.”

17. The Council also referred to Regulations 3(2)(h)(i) and (ii) of the AIE Regulations. It further stated

- “...[S]ection 43 of the Data Protection Act 2018...states: “(1) The processing of personal data for the purpose of exercising the right to freedom of expression and information, including processing for journalistic purposes or for the purposes of academic, artistic or literary expression, shall be exempt from compliance with a provision of the Data Protection Regulation specified in subsection (2) where, having regard to the importance of the right of freedom of expression and information

in a democratic society, compliance with the provision would be incompatible with such purposes. (2) The provisions of the Data Protection Regulation specified for the purposes of subsection (1) are Chapter II (principles), other than Article 5(1)(f), Chapter III (rights of the data subject), Chapter IV (controller and processor), Chapter V (transfer of personal data to third countries and international organisations), Chapter VI (independent supervisory authorities) and Chapter VII (cooperation and consistency). (5) In order to take account of the importance of the right to freedom of expression and information in a democratic society that right shall be interpreted in a broad manner.”

- In this case, the Council is of the view that providing complete copies of either the Internal Register, or the Public Register, upon a PSI request, could seriously jeopardise certain owners and occupiers of these sites, especially where there is an individual concerned. The Council’s Internal Register and the Register contain details of over 450 sites. It contains the names, addresses and phone numbers of both natural and legal persons whom it considers are or might be the owners, reputed owners or occupiers of the sites, and information relating to the location of the sites, that it inspected for the purposes of the 1990 Act. It also includes the names and addresses and other details of members of the public questioned by officials about sites. Some of the information relate to companies named after individuals, possibly the founder or registered owner of the company. It is conceivable that such information could identify an individual, and therefore is also to be considered personal data.
- The Register also contains commercially sensitive information, for example, where a corporate owner intends to sell a site. The information contained in the Register reflects the state of knowledge of the Council on the sites, at a certain point in time, based on various sources. The Register is updated on a near daily basis. We accept there is a very strong public interest in transparency concerning the way in which the Council carries out its obligations under the 1990 Act. However, this must be weighed against the very significant public interest in protecting the privacy and data protection rights of individuals. A balancing exercise between the right to freedom and expression and the right to protection of privacy and the integrity of the individuals listed on the register (either site owner, or occupant) was carried out by the Council. Therein, it was decided that allowing the re-use of the Register would be incompatible with the law concerning the protection of individuals with regard to the processing of personal data or as undermining the protection of privacy and the integrity of the individual. Accordingly, the Council decided that the right to privacy and integrity took priority in this case. The effect of this decision was that the right to access the Public Register for the purpose of re-using its information was restricted. A link to the Online Register was subsequently provided [the requester].”
- The following factors were taken into consideration: The entry of a site on the Register is not conclusive evidence that a site is derelict. Section 8(1)(a) provides that the Council shall maintain the Register to contain “particulars of any land in their functional area which, in their opinion, is a derelict site.” [Emphasis added]. The information contained in the Register reflects the state of knowledge of the Council on the sites, at a certain point in time, based on various sources. Some of the information is vague or incomplete. The Register is a “live document” which is subject to frequent change on a near daily basis. At the time of writing, there are circa 450 sites listed on the Register. It is often the case that a site owner becomes deceased and the site transfers to a child. In some of these cases, the property may be held on trust for a minor. In some cases, investigations are closed as the property is deemed in the first instance not to be derelict. Notwithstanding that, the release of information could result in a devaluation of the person’s property. Many of the details inserted to the Register are subject to a right of appeal, which if successful, would result in correction of the Register. It could also be releasing information in relation to potential criminal offences of some owners and illegal occupiers. The Derelict Sites Act 1990 creates a number of offences including failing to notify the local authority of the transfer of land or interest in land (other than by will or on an intestacy) from one person to another and failing to notify the local

authority of the transfer of land or interest in land by will or on an intestacy. Accordingly, the Register may contain criminal offence data. The Council was of the view that releasing a complete copy of the Public Register would raise difficult data protection concerns where it is subsequently found that a site was incorrectly placed on the Register. If the Council were to make a copy of the Register, it is likely that the information would be inaccurate soon after its production. The Council is of the view that this could cause prejudice to current or previous site owners listed on the Register, particularly where there is no intentional neglect on part of the owner. The Council was also of the view that the public interest in openness and transparency concerning the way in which the Council carries out its obligations under the 1990 Act is served by the information published on its website and also by the availability of the Register for inspection at the Council's office during office hours. Accordingly, we submit that the public interest weighs against release of the Register for re-use. It was also the Council's position is that complying with the applicant's re-use request would constitute processing which is incompatible with the specified, explicit and legitimate purpose for which the data is processed, which is the maintenance of a Register which is available for public inspection at the Council's office during office hours.

18. Regarding Regulation 7(3) of the Regulations, the Council stated:

- In order to comply with the Request, a new register, or a modified register, would be required, having regard to the concerns set out above. With the work that is involved in maintaining the Register, the Council is of the opinion that the formation of a new or modified document would involve a disproportionate effort, going beyond a simple operation.
- If the Council were to remove any information from the Register available for inspection, or its internal Register, it would require up to two working days to complete. This is because each entry needs to be specifically reviewed for the removal of any personal data, commercially sensitive information, or information which could infer criminal liability. This procedure would need to be carried out whether the Internal Register is being copied, or the Public Register being copied.

19. I have now completed my review under the Regulations. In so doing, I have regard to the correspondence between the Council and the appellant as outlined above and to correspondence between my Office and both the Council and the appellant on the matter. What follows does not comment or make findings on each and every argument advanced but all relevant points have been considered.

### **Scope of Review**

20. Regulation 15(1) of the Regulations provides that a requester can appeal to the Appeal Commissioner where a public sector body decides:

- (a) to refuse to allow a requester to re-use a document
- (b) to refuse to grant an exclusive right to a requester to re-use a document
- (c) to allow the re-use of a document but subject to a proposed charge being paid which the requester believes does not accord with the requirements of the Regulations in setting the amount of the proposed charge
- (d) to allow the re-use of a document subject to imposing conditions.

21. Regulation 17(2) provides that the Appeal Commissioner (a) shall review in accordance with the Regulations a decision to which the Regulations apply, and (b) following the review, may, as the Appeal Commissioner considers appropriate, decide (i) to affirm or vary the decision, or (ii) to annul the decision and, if appropriate, make such decision in relation to the matter concerned as he or she considers proper, in accordance with the Regulations.

22. Regulation 6(5)(a) provides that where a request under the Regulations is refused by a public sector body, it shall communicate the grounds for refusal to the requester, in particular and where appropriate by reference to the matters contained in Regulation 3(2)(a) to (h) or Regulation 5. Regulation 5(1) provides that a document to which the Regulations apply shall be made available for re-use in accordance with the conditions provided for in Regulations 7 to 13.
23. In its decision, the Council indicated that it was refusing the appellant's re-use request under Regulation 3(2)(d)(i), 3(2)(f), and 7(3). I consider that its reference to Regulation 3(4) supports its finding under those provisions. In its submissions to this Office it also relied on Regulation 3(2)(h)(i) and (ii). As noted, Regulation 15(1) sets out the types of decisions of public sector bodies that are open to appeal to the Appeal Commissioner. I am satisfied that a public sector body's decision to refuse re-use under Regulation 3(2)(d)(i), 3(2)(f), and 3(2)(h) on the basis that the Regulations do not apply to the information is within my jurisdiction to review as it falls under paragraph (a) of Regulation 15(1), which simply pertains to the refusal of a re-use request.
24. Given the Council's submissions to this Office and its reference to additional details on its Internal Register, I think it is important to emphasise that having considered the wording of the appellant's request, I am satisfied that the "complete copy" referred to by the appellant is of the derelict site register containing the relevant items listed in Section 8(1) of the Derelict Sites Act 1990 (i.e. the full register). I understand this to be what the Council describes as the "Public Register" (which is different to the Internal Register or the Online Register).
25. This review concerns whether the Council was justified in refusing the appellant's request for re-use of the whole document requested, the full derelict sites register, under Regulations 3(2)(d)(i), 3(2)(f), 3(2)(h)(i) and (ii), and 7(3) of the Regulations.

#### Regulation 3(2)

26. Regulation 3(1)(a) of the Regulations states that they apply to existing documents held by public sector bodies. It is not in dispute that this condition is met – I understand that the Council has a complete copy of the register containing the relevant items set out at Section 8(1) of the Derelict Sites Act, including owner details i.e. item (b) "the name and address of each owner and occupier."
27. The Council is refusing the appellant's re-use request in respect of the full register under Regulations 3(2)(d)(i), 3(2)(f), and 3(2)(h)(i) and (ii) of the Regulations. Regulation 3(2)(d)(i) of the Regulations provides:

"These Regulations shall not apply to the following ... documents access to which is excluded under... the Data Protection Acts 1988 to 2018"

28. Regulation 3(2)(f) of the Regulations provides:

"These Regulations shall not apply to the following ... documents access to which is restricted by virtue of the enactments referred to in subparagraph (d) or any other enactment, including where a person is required to prove a particular interest in order to obtain access to documents."

29. Regulation 3(2)(h)(i) and (ii) of the Regulations provides:

"These Regulations shall not apply to the following:  
...

(h) (i) documents access to which is excluded or restricted by virtue of the enactments referred to in subparagraph (d) or any other enactment on the grounds of protection of personal data, and

(ii) parts of documents that are accessible under the enactments referred to in subparagraph (d) or any other enactment and contain personal data, the re-use of which would be incompatible with the law concerning the protection of individuals with regard to the processing of personal data or as undermining the protection of privacy and the integrity of the individual; ...

30. The relevant enactments referred to in subparagraph (d) are:

- the Data Protection Acts 1988 to 2018,
- the European Communities (Access to Information on the Environment) Regulations 2007 to 2018,
- the Freedom of Information Act 2014 (other than documents to which section 15(2) of that Act applies),
- the European Communities (Establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) Regulations 2010 (S.I. No. 382 of 2010).

31. There are two questions to be considered in order to decide whether the exclusion applies:

(a) Is access to the documents excluded or restricted by virtue of the enactments referred to in paragraph 30 above, or by virtue of any other enactment?

(b) To the extent that parts of the documents would be accessible by virtue of the enactments referred to in paragraph 30 above, do they contain personal data the re-use of which would be incompatible with the law protecting personal data or the privacy and integrity of the individual?

32. The Council also referred to Regulation 3(4)(a) which provides that nothing in the Regulations shall be read as “affecting any right or function under the Data Protection Acts 1988 to 2018.”

33. I have set detail of the Council’s decision and submissions to this Office above. The general thrust of the Council’s position is that it has obligations under the Data Protection Act 1988 to 2018 / GDPR that prevent it from providing the appellant with an electronic copy of the full register for re-use.

34. In relation to the first question, having regard to the wording of Section 8(5) of the Derelict Sites Act 1990, I am satisfied that all of the items at Section 8(1) of the Derelict Sites Act 1990, are required to be contained on the register available for inspection at the Council’s Offices in accordance with Section 8(5).

35. I have considered this in the context of the scheme and purpose of the Derelict Sites Act 1990. As noted above, section 8 of the Act was described during the Oireachtas debates around the Act as a “commitment to open government”. The original purpose of the legislation was to deal with the problem of dereliction which was, at the time, a growing problem in many towns and cities in Ireland. Dereliction remains a problem across Ireland and remains an issue of significant public interest in the context of an acute housing crisis. A recent report by GeoDirectory<sup>1</sup> found there are just under 20,000 derelict residential addressees in Ireland. The Council have stated that its register contains the details of over 450 sites.

36. In relation to the register, the Minister of State at the time commented in the Seanad that, *“This public register of derelict sites will serve a number of purposes. In the case of urban land, liability for the derelict sites levy will automatically follow from entry in the derelict sites register. The register will also*

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<sup>1</sup> GeoDirectory was established in 1999 by An Post and Tailte Eireann.

*inform prospective new property owners that land is formally classified as a derelict site, with all of the liabilities and obligations which this will entail. Most importantly, the derelict sites register will stand as a public indication and reminder of the extent of the dereliction in a local authority area. If any interested member of the public, any representative or any member of a local authority wishes to make representations that the register does not adequately list all the derelict sites, then it will be fully open to them to do this.”*

37. I am satisfied that the purpose of this provision was to ensure wide access to information on contained on the derelict sites register by the public and that the purpose for which such information was collected was to create and maintain a register which would be – and is in fact – available in the public domain.
38. I consider that the means of access prescribed in the Act, namely inspection at the office of the relevant local authority, is simply a feature of the time the Act was enacted, when local authorities would not have been able to place this information on the internet, and inspection of documents at the offices of a local authority was a standard procedure. I note that some Councils, e.g. South Dublin County Council, have placed the full register on its website. I do not accept that the requirement that the register is made available for inspection in the office of the local authority was intended as a restriction on the availability of access to this information.
39. Indeed, inspection of information online – whether on a website or on receipt of the information by email - is now the only way in which some members of our society are able to access information in practice. This may be because their working or family arrangements prevent them from attending local authority buildings during office hours or because a disability prevents them from attending at all. Inspecting a hard copy document may not be practical or possible at all for someone with a disability. Restricting access to in-person inspection during office hours is entirely contrary, therefore, to the aim of enabling the public to access the information on the register, which was the original purpose for which the personal data was collected.
40. The personal data that is contained on the register is not of an inherently sensitive nature. As I have explained above, it is already in the public domain for reasons in the public interest. Some of the information, specifically information on ownership of land, is also in the public domain through Tailte Eireann. Where the information is in the public domain in this manner, any person could already access and decide to re-use that information, but it would involve a greater effort and a greater risk of inaccuracy due to human error. As a result, any interference as a result of re-use with rights in respect of personal data or privacy is minimal.
41. I note that Article 5(1)(b) of the GDPR provides that personal data shall be “collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes...”, which is known as the “purpose limitation” principle. Article 5(1)(c) of the GDPR requires that personal data shall be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed”, which is known as the data minimisation principle.
42. Having considered all of the above, I am not satisfied that the principle of data minimisation or any other obligation under the Data Protection Acts or GDPR prohibits the Council from providing the appellant with full access to the document sought in electronic form, including the personal data contained therein. I am satisfied that the provision of the document to the appellant is not incompatible with the purposes and aims of section 8 of the Derelict Sites Act 1990 and therefore is compatible with the “purpose limitation” principle, as contained in paragraph 5(1)(b) of the GDPR. Accordingly, I cannot find that document which the applicant wishes to reuse is excluded from the scope of the Open Data Regulations by the Data Protection Acts 1988 to 2018/the GDPR.

43. This conclusion equally applies to the second question above, and I am satisfied that access to the parts of the documents containing personal data would not be incompatible with the law protecting personal data or the privacy and integrity of the individual.
44. Accordingly, I am not satisfied that the full register, including the ownership details, is excluded from the Open Data regime by virtue of regulations 3(2)(d)(i), 3(2)(f), 3(2)(h)(i) and (ii) of the Open Data Regulations. I find, therefore, that the Council's decision is not justified.

#### **Regulation 7(3)(a) and 7(3)(b)**

45. Regulation 7(3)(a) and (b) of the Regulations provide that nothing in the Regulations shall be construed as requiring a public sector body "to (a) create or adapt any document, (b) provide extracts from documents where this would involve disproportionate effort, going beyond a simple operation."
46. The duty to give reasons for refusal is recognised generally as a core principle of administrative law and a fundamental element of constitutional justice (see, for example, *Meadows v Minister for Justice* [2010] IESC 3 and *Balz & Anor v An Bord Pleanála & Ors* [2019] IESC 90). Both of these judgments make it clear that where a requester has all or part of a request refused, they are entitled to be provided with clear reasons for that refusal. This duty arises so that the requester can take a view as to whether they consider refusal justified, or whether they wish to exercise their entitlement to have the refusal reviewed through an appeal to this Office.
47. In its decision, the Council simply stated "I would be required to create a new register or adapt our existing Register to enable its disclosure to you without the identity of other individuals being revealed. That would be a time consuming and complex process which would involve disproportionate effort, going beyond a simple operation. A limited copy of the Register, not containing personal data, is available on our website..." In its submissions to this Office, it stated:
- In order to comply with the Request, a new register, or a modified register, would be required, having regard to the concerns set out above. With the work that is involved in maintaining the Register, the Council is of the opinion that the formation of a new or modified document would involve a disproportionate effort, going beyond a simple operation.
  - If the Council were to remove any information from the Register available for inspection, or its internal Register, it would require up to two working days to complete. This is because each entry needs to be specifically reviewed for the removal of any personal data, commercially sensitive information, or information which could infer criminal liability. This procedure would need to be carried out whether the Internal Register is being copied, or the Public Register being copied.
48. As noted, the appellant's re-use request is for a complete copy of the Council's Derelict Site Register in an open and machine readable format (e.g. CSV or Excel). Given the Council's submissions above, it is important to recall that I am satisfied that the "complete copy" referred to by the appellant is of the derelict site register containing the relevant items listed in Section 8(1) of the Derelict Sites Act 1990. I understand this to be what the Council describes as the "Public Register" (which is different to the Internal Register or the Online Register). I have already found that the Council's reliance on Regulation 3(2) of the Regulations is not justified. The remaining question at issue is whether the Council's decision to refuse the appellant's re-use request of the "complete copy" of the derelict sites register by way of Excel/CSV under Regulation 7(3)(a) and (b) was justified.

49. The Council also explained “The Public Register is created by producing a copy of the Internal Register and removing information which is not required to be published by law (for example the Council’s notes, details on levies owed, etc.). The copy is then generated to make a PDF and is printed and kept in the Council’s office for public inspection. Members of the public may inspect the Public Register in person during office hours at the Council’s office in Merchant’s Quay, Limerick City.”
50. There is no evidence before me to suggest that the full register containing the relevant items listed in Section 8(1) of the Derelict Sites Act 1990 that is required to be made available for inspection under Section 8(5), is not also held in electronic form by the Council. The Council has not adequately explained why it considers that to provide the full register by way of excel/machine readable format would require it to create or adapt any document or provide extracts from documents that would involve disproportionate effort, going beyond a simple operation.
51. In circumstances where the Council has not shown that Regulation 7(3) properly applies, I cannot find its decision under that provision is justified.

### **Decision**

52. In accordance with Regulation 17(2) of the Regulations, I have reviewed the Council’s decision under Regulations 3(2)(d)(i), 3(2)(f), 3(2)(h)(i) and (ii), and 7(3) and I annul it under Regulation 17(2)(b)(ii). I direct the Council to provide the appellant with the full register in excel/machine readable format.

### **Right of Appeal**

53. A party to this appeal or any other person affected by this decision may appeal this decision to the High Court on a point of law from the decision, as set out in Regulation 20 of the Regulations. Such an appeal must be initiated not later than eight weeks after notice of this decision was given to the person bringing the appeal.

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Julie O’Leary  
Senior Investigator  
4 December 2025