

ACCESS TO FACILITY-SPECIFIC ENVIRONMENTAL INFORMATION



ARGENTINA

Argentina provides for access to environmental information from governmental agencies through Law 25,831 of 2002, the [Regime for Free Access to Public Environmental Information](#), implementing the Aarhus Convention on environmental information and public access.

Article 1 of that law broadly defines environmental information and Article 2 provides that a person requesting it need not have to describe why they seek the information.

Article 7 provides the reasons that a request can be denied.¹ As to enforcement information, Article 7(b) closely tracks the [Aarhus Convention](#) on Environmental Information:

When the requested information is subject to the authorities' consideration judicial, in any stage of the process, and its disclosure or use by third parties may cause damage to the normal development of the judicial procedure.

This does not prohibit the disclosure of information unless it would adversely affect the judicial or disciplinary proceeding.² It has been normally interpreted to mean the internal documents of the enforcement agency that have not otherwise been turned

¹ **ARTICLE 7** - Denial of information. The environmental information requested it may be denied only in the following cases:

- a) When national defense, internal security or relations could be affected international;
- b) When the requested information is subject to the authorities' consideration judicial, in any stage of the process, and its disclosure or use by third parties may cause damage to the normal development of the judicial procedure;
- a) When the commercial or industrial secret, or the property could be affected intellectual;
- b) When the confidentiality of personal data could be affected;
- c) When the requested information corresponds to scientific research work, while these are not published;
- d) When the object of the request cannot be determined due to lack of data enough or imprecision;
- e) When the requested information is classified as secret or confidential by the laws in force and their respective regulations.
- f) The total or partial denial of access to information must be founded and, in In the case of administrative authority, fill in the reasonableness requirements of the administrative act provided by the rules of the respective jurisdictions.

² The Aarhus provision describes the intent of the exclusion: "(c) The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;"

over to the target of a criminal investigation or action.³ There is also a major body of international law that the exclusion only applies to ongoing proceedings. See Banner, *The Aarhus Convention: A Guide for UK Lawyers*, (Bloomberry Pub.2015)p. 110 (citing [UN Implementation Guide](#)). After the matter is resolved by officials, the reason for the exemption is arguably no longer valid.⁴ See [Flachglas Torgau GmbH v Germany](#), C-204-09, February 14, 2012. There are no Argentine cases in point.

The Argentine government also maintains the [El Sistema Nacional de Información Ambiental](#) (SINIA), National Environmental Information System online. Information on releases to the environment should be available.

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607-339012, Europe@chwmeq.org. Please advise me if you find changes in the above information or errors.

<mailto:europa@chwmeq.org?subject=-- ARGENTINA-- Feedback/Dead Link/Update Required for Accessing Facility Regulatory Info>

REV 0: 26 March 2020

³ The [UN Implementation Guide](#) notes: “The Convention clearly does not include all investigations in this exception, but limits it to criminal or disciplinary ones only. Thus, information about a civil or administrative investigation would not necessarily be covered.” Page 87.

⁴ The [UN Implementation Guide on the Aarhus Convention](#) which originated this exception notes: “The term “the course of” implies that an active judicial procedure capable of being prejudiced must be under way. This exception does not apply to material simply because at one time it was part of a court case. Public authorities can also refuse to release information if it would adversely affect the ability of a person to receive a fair trial. This provision should be interpreted in the context of the law pertaining to the rights of the accused.” Page 87.