

*Right to Information and
Protection of Privacy*

2014-2015 Annual Report

Department of Government Services

2014-2015 Annual Report
Right to Information and Protection of Privacy

Published by:

Department of Government Services
Province of New Brunswick
P.O. Box 6000
Fredericton, New Brunswick E3B 5H1

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INTRODUCTION

The *Right to Information and Protection of Privacy Act (RTIPPA)* is a provincial law that came into force on September 1, 2010, replacing the *Right to Information Act* and the *Protection of Personal Information Act*. *RTIPPA* aims to strike a balance between the public's right to access information held by public bodies and a public body's obligation to protect confidential and personal information it holds or controls. It is based on the principles of transparency, accountability and openness.

RTIPPA applies to most publicly-funded bodies in New Brunswick including: government departments and agencies, schools (K-12), universities, community colleges, health authorities, crown corporations, municipalities, municipal police forces and other local government bodies. *RTIPPA* does not apply to either federal bodies (e.g. the RCMP) nor to any private businesses or associations.

The Information Access and Privacy Unit in the Department of Government Services is responsible for the centralized administration of *RTIPPA*.

RIGHT TO INFORMATION

RTIPPA gives people a right to access information held or controlled by public bodies, subject to exceptions in the Act. Information requested may be about the business of a public body (general information), or personal about the applicant. Requests must be made and responded to in accordance with the Act. Public bodies have 30 days to respond to a request. In certain circumstances they may take up to 30 extra days, or more than this with approval of the Access to Information and Privacy Commissioner.

Information about *RTIPPA* requests received by government departments and agencies in Part 1, collectively referred to in this report as "departments", is tracked by departments in a database called the Right to Information Tracking System (RITS). RITS includes: the name of the person making the request (applicant), the public body receiving the request, the type of request, the date the request is received, the information requested, the category of the applicant (consultant, interest group, law firm, media, MLA, non-profit organization, other government and public), the type of response provided (granted in full or in part, denied, transferred etc.), response time extensions the date of the response, and any complaints. This information provides the basis for annually reporting on access to information requests received by departments. The reporting period covered by this report is April 1, 2014 to March 31, 2015.

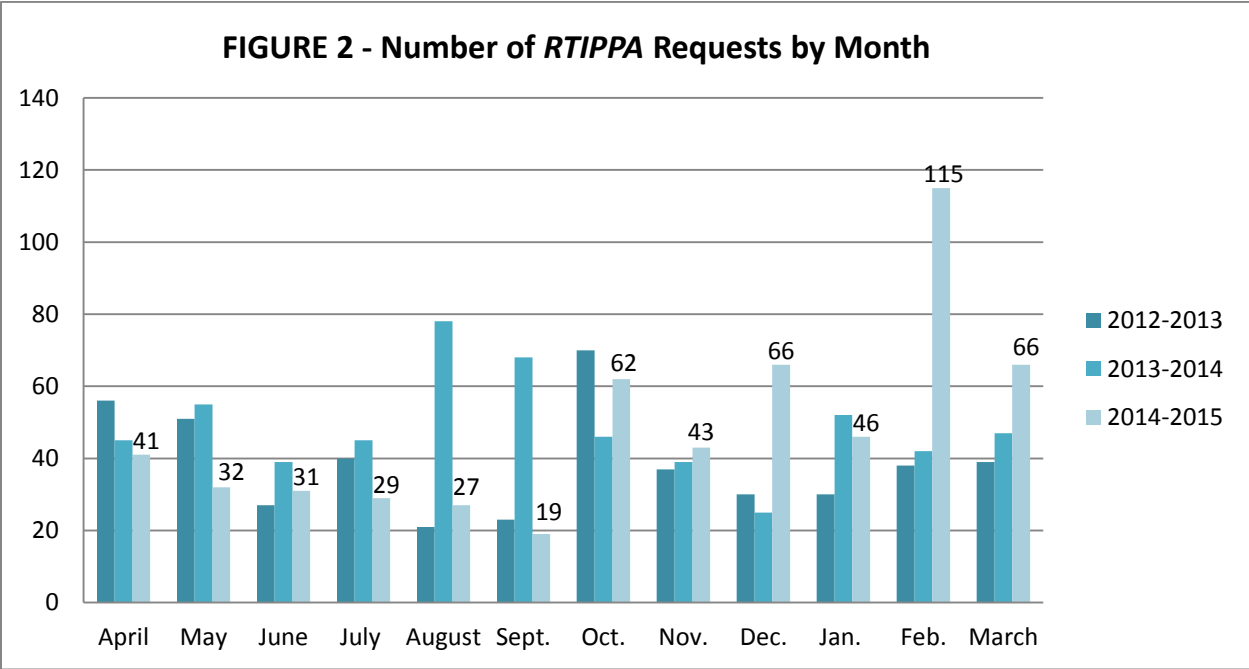
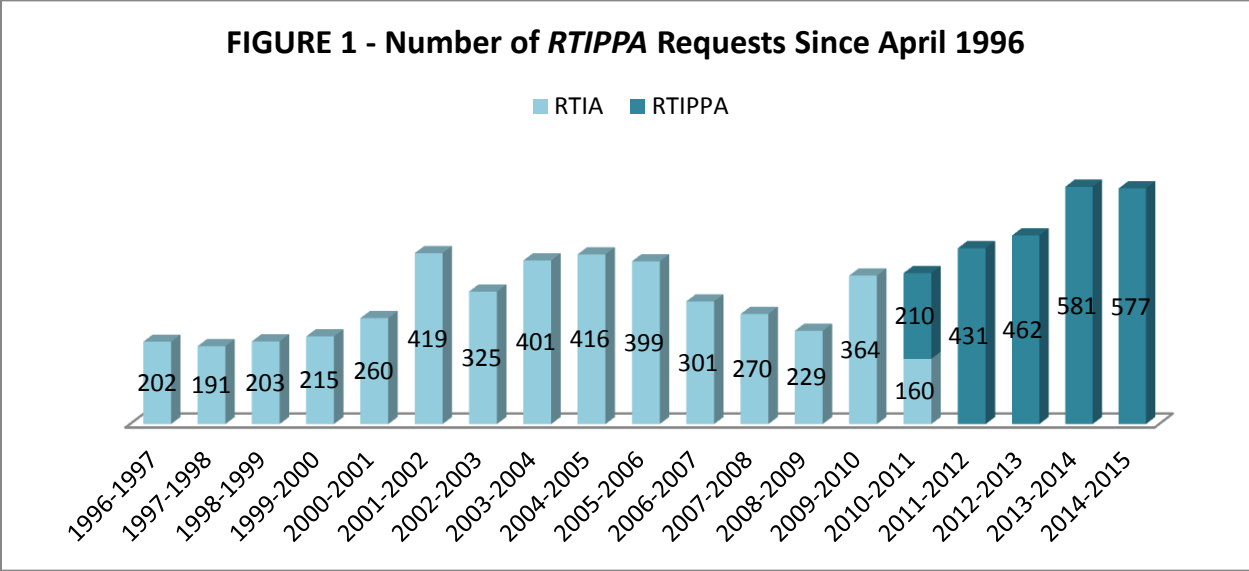
PROTECTION OF PRIVACY

RTIPPA also provides for the protection of personal information held or controlled by public bodies based on internationally recognized principles of fair information practices. It places obligations on public bodies regarding the accuracy, collection, use, disclosure, retention and security of personal information. *RTIPPA* gives individuals the right to correct personal information about themselves held or controlled by public bodies.

RTIPPA REQUESTS

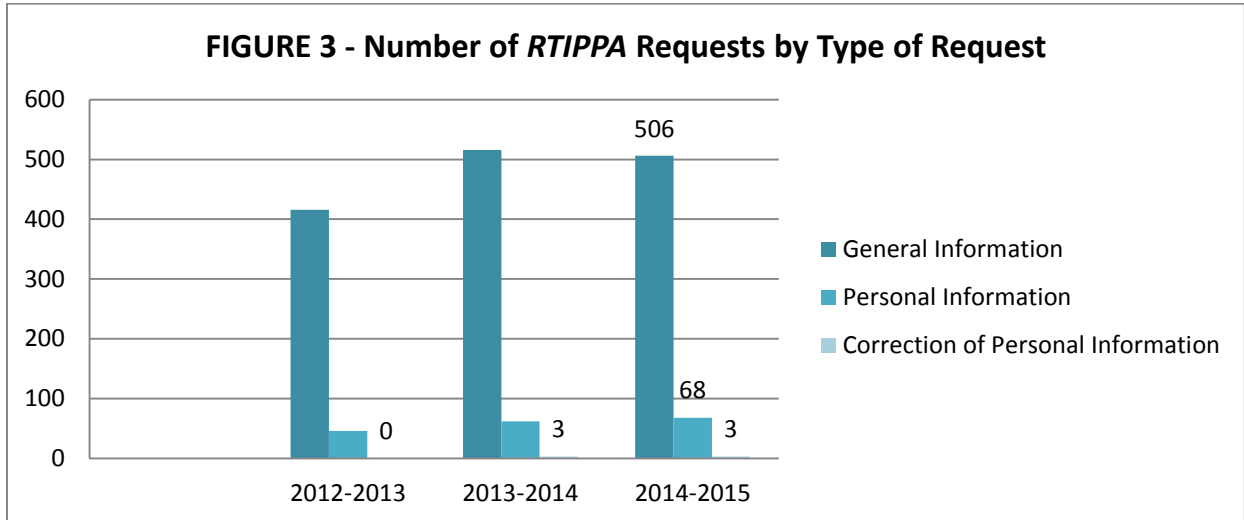
NUMBER OF REQUESTS

In 2014-2015, departments received a total of 577 RTIPPA requests. For the first time since 2008-2009, there was a slight decrease in the number requests (-0.7%) from the previous fiscal year. The greatest number of requests received in a given month was in February at 115 requests (20% of total requests) followed by December and March at 66 requests (11.4% of total requests) each.



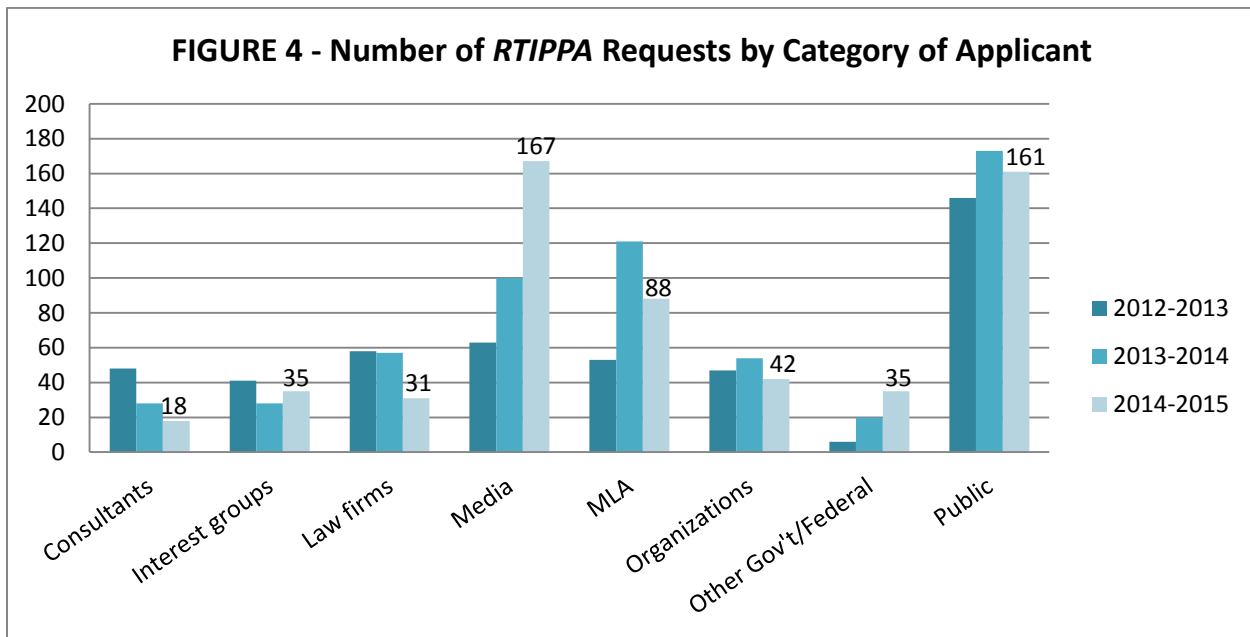
TYPE OF REQUEST

Most *RTIPPA* requests in 2014-2015 were for general information at 506 requests (87.7% of total requests). There were 68 requests for personal information (11.8% of total requests) and 3 requests (0.52% of total requests) to correct personal information.



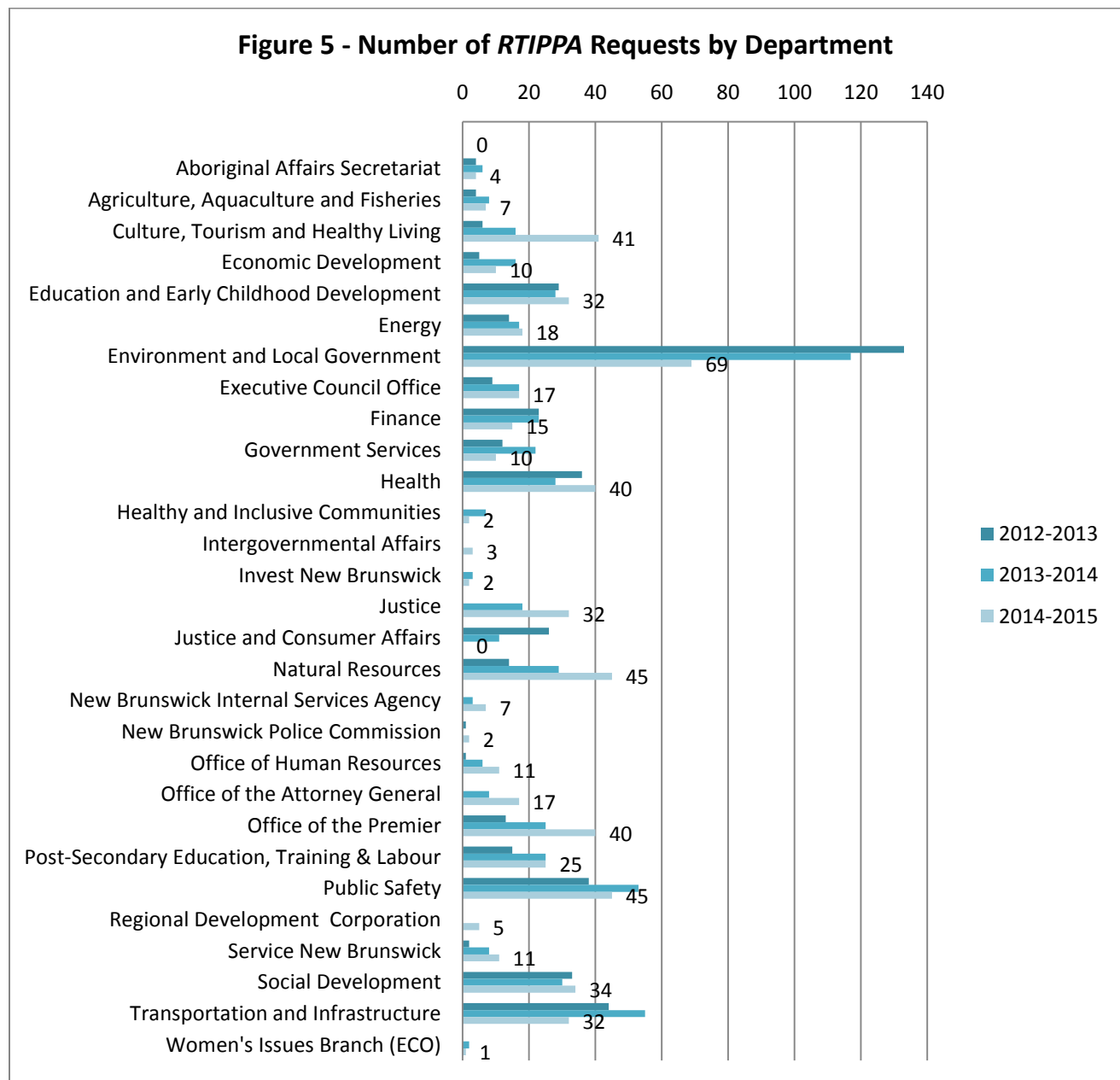
APPLICANTS

In 2014-2015, the media submitted the most *RTIPPA* requests to departments of any category of applicant (167 requests or 29% of total requests). Members of the public submitted the second to the most requests (161 or 28% of total requests), followed by the Members of the Legislative Assembly (88 requests or 15.3% of total requests).



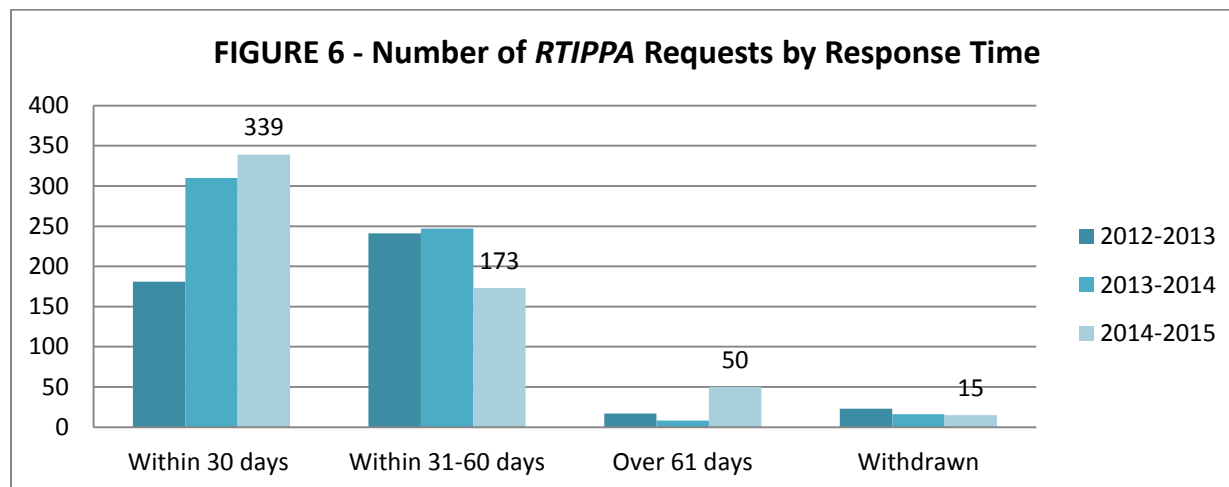
RESPONDENTS

Like the year before, in 2014-2015 the Department of Environment and Local Government received the most *RTIPPA* requests of any department at 69 requests (12% of total requests). This was followed by the Department of Natural Resources and the Department of Public Safety at 45 requests (7.8% of total requests) each. These three departments received almost 28% of the total requests.

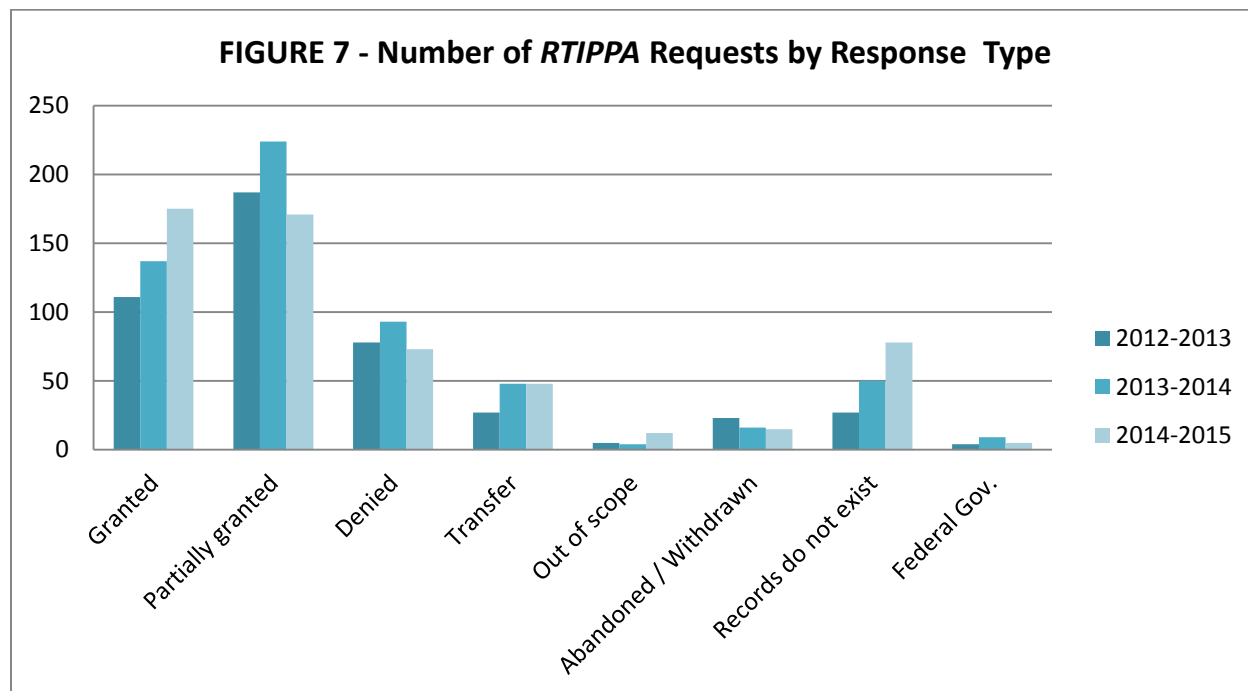


RESPONSES TO *RTIPPA* REQUESTS

In 2014-2015, departments responded to 339 *RTIPPA* requests (58.8% of total requests) within 30 days of receipt, 173 requests (30% of total requests) within 31 to 60 days of receipt and 50 requests (8.7% of total requests) more than 60 days after the date of receipt. Some requests were withdrawn (15 or 2.6% of total requests). Almost 89% of requests were responded to within 60 days.



Departments partially or fully granted 346 *RTIPPA* requests (60% of total requests). A total of 153 requests (26.5% of total requests) were either abandoned, withdrawn, transferred, out of scope or requesting records which did not exist. Access to information was denied for 73 requests (12.7% of total requests).



REASONS FOR NOT DISCLOSING INFORMATION

When public bodies sever information from a record or decide to withhold a record related to a request, they must indicate in the response to the request which sections of *RTIPPA* they rely on to support this action. Table 1 shows the *RTIPPA* sections departments relied on to sever information from or to withhold a requested record and the number of requests where these sections were relied upon.

In 2014-2015, section 21 regarding an unreasonable invasion of a third party's privacy was relied on the most (93 times), followed by section 26, advice to a public body (69 times) and section 22, disclosure harmful to a third party's privacy (45 times).

TABLE 1 – Number of *RTIPPA* Requests Relying on Specified Sections of *RTIPPA* to Sever or Withhold Requested Information

Section	Explanation	Number of Requests Relying on Section		
		2012-2013	2013-2014	2014-2015
4	Records to which this Act applies (out of scope)	21	25	23
12	Application deemed abandoned	1	1	5
13	Transferring a request for access	7	5	5
14	Contents of response (record does not exist or cannot be located)	33	13	19
15	Power to authorize a head to disregard requests	0	0	4
17	Executive Council confidences	29	30	33
18	Information provided in confidence to a government	12	14	9
19	Information provided by a council of the band	0	0	0
20	Information from a harassment, personal or university investigation	1	6	7
21	Unreasonable invasion of third party's privacy	127	146	93
22	Disclosure harmful to a third party's business or financial interests	61	75	45
23	Disclosure harmful to government relations	0	1	4
24	Disclosure harmful to relations between NB and a council of the band	0	0	0
25	Local public body confidences	2	0	1
26	Advice to public body	39	81	69
27	Legal privilege	13	29	41
28	Disclosure harmful to an individual or to public safety or in the public interest	0	0	1
29	Disclosure harmful to law enforcement or legal proceedings	2	7	18
30	Disclosure harmful to economic and other interest of a public body	3	25	16
31	Tests, testing procedures and audits	0	0	0
32	Confidential evaluations	0	4	2
33	Information that is or will be available to the public	6	25	17

REVIEW PROCESS

COMPLAINTS AND REFERRALS BY APPLICANTS UNDER *RTIPPA*

If applicants are not satisfied with a response to their information request or if the response is not received within the established timelines, applicants may file a complaint with the Access to Information and Privacy Commissioner or refer the matter to a judge of the Court of Queen's Bench. For information and statistics on complaints filed with the Commissioner, please see the Commissioner's annual reports which can be found at www.info-priv-nb.ca.

CONTACT INFORMATION

For more information regarding access to information and privacy, please contact:

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