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<p>CHAPTER III – CHAPITRE III :</p> <p>Professionalism Professionnalisme</p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information.</p> <p>Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

REQUESTS UNDER THE *RIGHT TO INFORMATION AND PROTECTION OF PRIVACY ACT*

1. Introduction

The purpose of the *Right to Information and Protection of Privacy Act* is to allow any person a right of access to records in the custody or under the control of New Brunswick public bodies, subject to the limited and specific exceptions set out in the *Act*.

Normally, a request made pursuant to the *Act* for access to a record in the custody or under the control of the Department of Justice and Attorney General is addressed directly to the Attorney General and is not received by an employee of Public Prosecution Services. The *Act* does not specify to whom within a public body a request for access to a record must be directed. It is therefore possible that a person may direct a request for access to a record directly to an employee of Public Prosecution Services.

This Policy applies to any request made pursuant to the *Act* that is received by an employee of Public Prosecution Services. It does not apply to a request made by or on behalf of an accused person in the course of a prosecution for the disclosure of all information relevant to an alleged offence that is in the possession or control of the Crown. It also does not apply where a prosecution has concluded and the accused person or the offender requests such disclosure for any other purpose.

1.1 Application of the Act to the Department of Justice and Attorney General

The *Act* specifies that it does not apply to a record pertaining to legal affairs that relates to the performance of the duties and functions of the Department of Justice and Attorney General.

The *Act* also permits the Attorney General to refuse to disclose the following:

- (a) information that is subject to solicitor-client privilege;
- (b) information prepared by or for an agent or lawyer of the Department of Justice and Attorney General in relation to a matter involving the provision of legal advice or legal services or in relation to the investigation or prosecution of an offence; and
- (c) information in a communication between an agent or lawyer of the Department of Justice and Attorney General and any other person in relation to a matter involving the provision of legal advice or legal services or in relation to the investigation or prosecution of an offence.

1.2 Time Limit Prescribed by the Act

The *Act* prescribes the time within which the Attorney General shall respond to a request for access to a record. Normally, the time limit is thirty (30) days. The *Act* stipulates that the failure of the Attorney General to respond to a request within the time limit prescribed by the *Act* is deemed to be a refusal to provide the record requested. Where access to a record is, or is deemed to be, refused, the applicant may file a complaint with the Access to Information and Privacy Commissioner.

2. Statement of the Policy

2.1 Employees Shall Refer Requests to the Director of Public Prosecutions

Where a request for access to a record in the custody or under the control of Public Prosecution Services is received by an employee, the employee shall immediately refer the request to the Director of Public Prosecutions.

The Director of Public Prosecutions will normally refer the request to the Department of Justice and Attorney General.

2.2 Timeliness of Referral to the Director of Public Prosecutions

Employees are reminded of the thirty (30) day time limit prescribed by the *Act* within which the Attorney General must respond to most requests. Because of the time limit, an employee who receives a request under the *Act* must immediately refer the request to the Director of Public Prosecutions.

3. Related Documents

None