



Right to Information 2006 – 2007

Annual Report

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Introduction

The New Brunswick *Right to Information Act* was enacted in 1978 and proclaimed into force January 1, 1980. New Brunswick was the second jurisdiction in Canada to pass legislation giving a right to information concerning the public business of the Province to anyone wanting to know.

The *Act* was amended in 1979, 1982, 1985, 1986, 1995, 1998 and 2002. The 1995 amendment extended the scope of the *Act* to include the Hospital Corporation and school boards. Subsequently, the school boards as defined in the *Act* no longer exist. The 1998 amendments were a result of the introduction of Protection of Personal Information legislation.

The responsibility for the legislation lies with the Executive Council Office. The actual administration of the *Act* lies with each department, boards and agencies of government as listed under Schedule A of the regulation to respond to requests received by the Minister as prescribed by the *Act*.

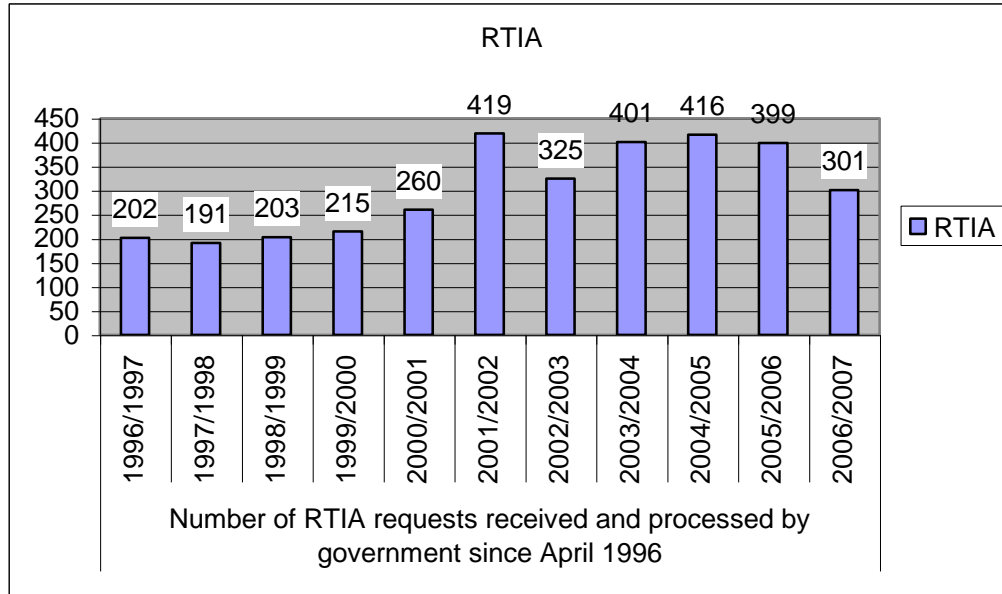
In Spring 2007, a Right to Information and Protection of Personal Information Review Task Force was set up to review the Province's Right to Information and Protection of Personal Information Acts and make recommendation to enhance public access to government information while improving protection of personal information. The task force committee headed by Université de Moncton professor, Donald Savoie, also included Judy Wagner and Erik Denis of the Executive Council Office. After holding many consultation sessions over the summer months, the committee release its final report in September. Introduction of the new legislation is anticipated in Spring 2008.

In 2006-2007, the *Right to Information Act* web pages (French and English) of the on-line service directory were visited 6,703 times.

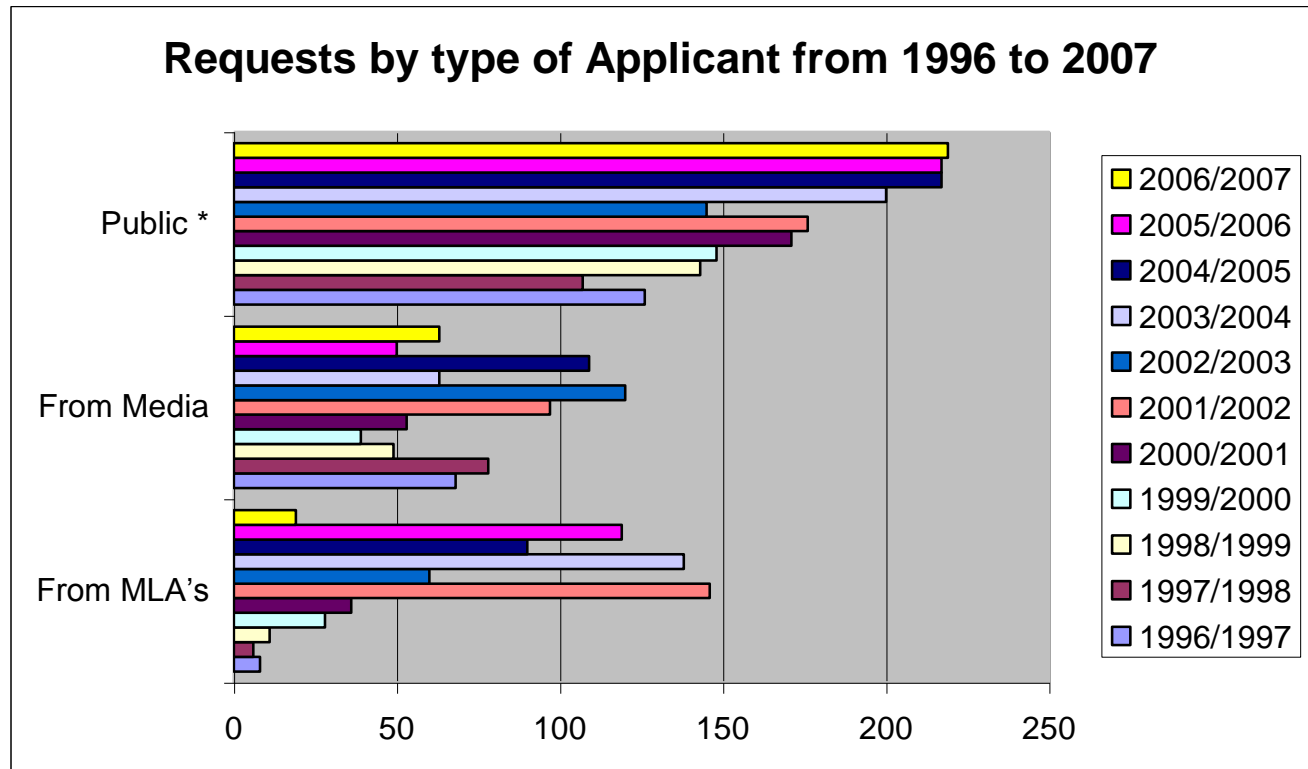
In June 2006, the 2nd annual Atlantic Canada Access and Privacy workshop was once again held in Halifax. 27 of the 112 delegates represented New Brunswick. Three of the 24 Speakers were from New Brunswick: Ian Walsh, Senior Policy Advisor presented on the Privacy, Access and Youth, Bernard Richard, Ombudsman and Child and Youth Advocate took part in the Plenary Panel for Review Officers and IP Commissioners and Chris Whalen, legal counsel for the Office of the Ombudsman and Child and Youth Advocate gave an overview of Canada's top ten privacy law cases of 2005-2006.

Number of *Right to Information Act* requests received by government since 1996

Government departments routinely make available information to the public. The *Right to Information Act* is used when information cannot be accessed through normal channels. In 2006-2007, 301 requests made under the *Act* were recorded.



Requests received by type of applicant since 1996



* Includes the number of requests for Consultants (29), Law Firms (34) and Organizations (63) and Public (93) for a total 219 of the 301 requests

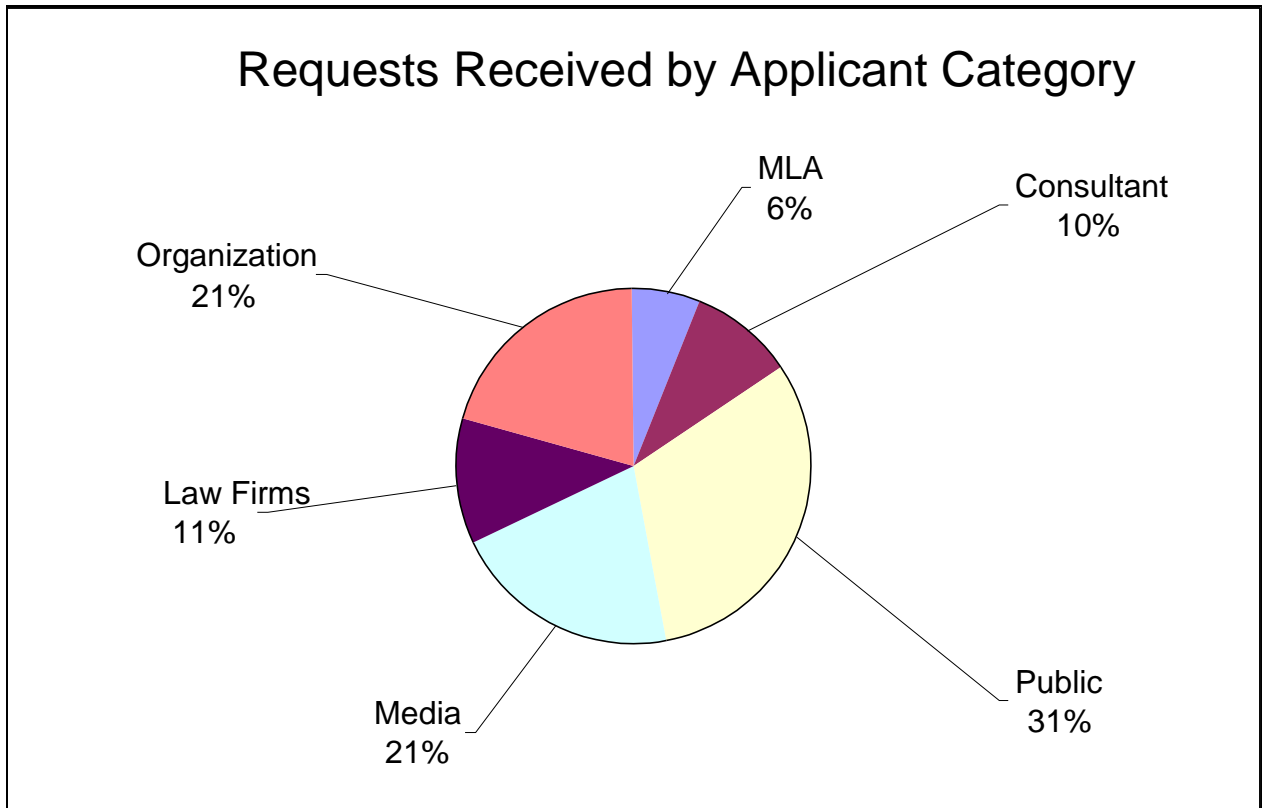
2006-2007 Departmental *Right to Information Act* requests by applicant category

In 2006-2007, the difference in the number of requests by category in comparison to last year was notable in that requests from Members' of the Legislative Assembly decreased from 127 to **19**, consultants' from 60 to **29** and Law firms' from 54 to **34**, while public's increased to **93** from 64, media's to **63** from 50 and other organizations' to **63** from 44.

PUBLIC BODIES	MLA's	CONSULTANTS	PUBLIC	MEDIA	LAW FIRMS	ORGANIZATIONS	TOTAL
AAS	1	-	1	-	-	-	2
A&A	-	1	2	1	-	2	6
BNB	1	-	1	4	-	2	8
ED	1	-	6	1	-	-	8
ENG	1	-	2	5	2	1	11
ENV	-	28	17	7	10	35	97
ECO	-	-	1	1	1	-	3
F	-	-	-	1	-	-	1
FCS	5	-	6	1	2	7	21
FIN	2	-	4	2	2	2	12
H	-	-	8	8	5	3	24
IGA	-	-	-	3	1	1	5
JAG	-	-	9	4	3	-	16
LG	-	-	1	-	-	-	1
NR	-	-	5	1	1	6	13
OHR	-	-	1	2	-	-	3
PET&L	1	-	1	1	-	-	3
PO	1	-	5	4	-	-	10
PS	1	-	5	5	4	1	16
RDC	-	-	-	2	-	-	2
RHA	-	-	-	1	-	1	2
SNB	-	-	10	1	1	1	13
S&H	-	-	-	1	-	-	1
S&S	2	-	-	1	-	-	3
TAP	-	-	2	1	-	-	3
T	3	-	6	4	2	1	16
WI	-	-	-	1	-	-	1
TOTALS	19	29	93	63	34	63	301

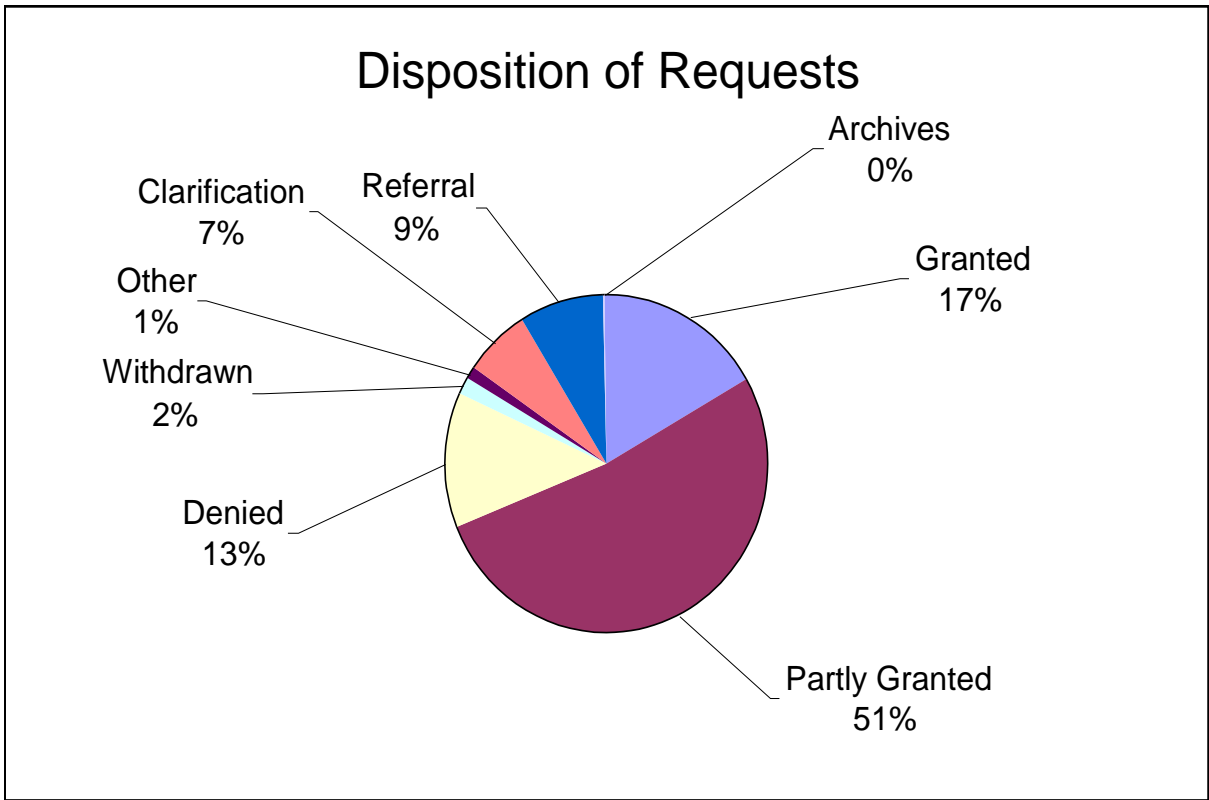
Percentage of requests received by applicant category

In 2006-2007, the top user of the *Act* was the public with 31 per cent of the requests followed by the media and organizations with 21 per cent each. The remaining 27 per cent included requests from Members of the Legislative Assembly with 6 per cent, Consultants with 10 per cent and Law Firms with 11 per cent.



Disposition of Requests

In 2006-2007, provincial government bodies, in processing requests under the *Act*, disclosed or partially disclosed information 68 per cent of the time; 19 per cent of requests were either withdrawn, referred or required clarification; while 13 per cent of the requests were denied.



Disposition of Requests by Public Bodies

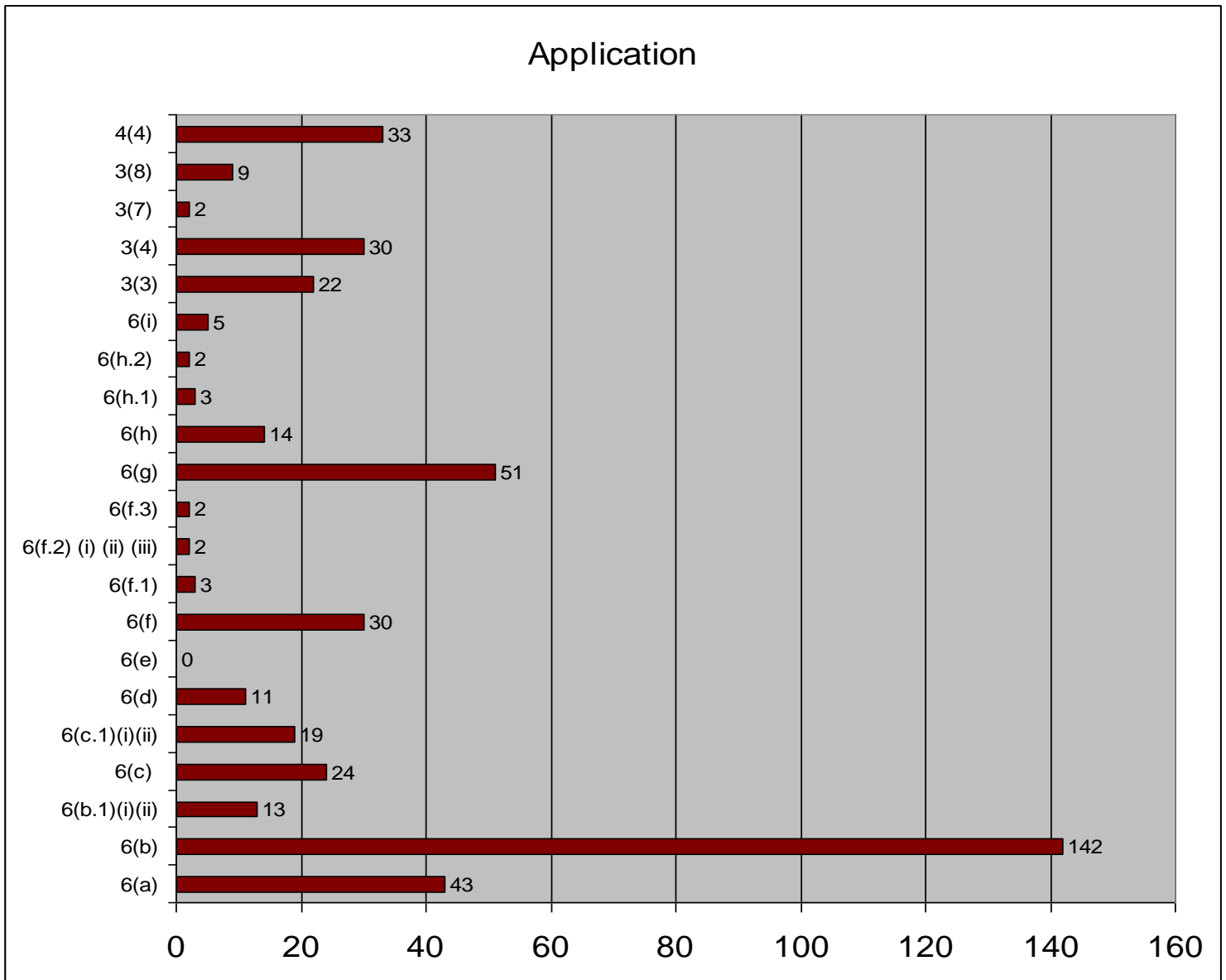
The table below summarizes how each public body processed requests made under the *Act*.

PUBLIC BODIES	GRANTED	PARTIALLY GRANTED	DENIED	WITHDRAWN	OTHER	CLARIFICATION	REFERRAL	ARCHIVES	TOTAL
AAS	-	-	1	-	-	-	1	-	2
A&A	-	5	1	-	-	-	-	-	6
BNB	3	5	-	-	-	-	-	-	8
ED	-	5	-	-	1	-	2	-	8
ENG	2	6	1	-	-	2	-	-	11
ENV	11	59	9	-	1	13	3	1	97
ECO	-	2	1	-	-	-	-	-	3
F	-	1	-	-	-	-	-	-	1
FCS	7	6	3	3	-	-	2	-	21
FIN	1	4	4	-	-	-	3	-	12
H	8	5	3	-	-	-	7	-	23
IGA	-	5	-	-	-	-	-	-	5
JAG	-	8	7	-	-	-	1	-	16
LG	1	-	-	-	-	-	-	-	1
NR	5	8	-	-	-	-	-	-	13
OHR	1	1	-	1	-	-	-	-	3
PET&L	-	1	2	-	-	-	-	-	3
PO	-	2	2	-	1	-	5	-	10
PS	2	10	3	1	-	-	-	-	16
RDC	-	2	-	-	-	-	-	-	2
RHA	1	1	-	-	-	-	-	-	2
SNB	3	9	-	-	-	-	1	-	13
S&H	-	1	-	-	-	-	-	-	1
S&S	-	1	1	-	-	1	-	-	3
TAP	2	1	-	-	-	-	-	-	3
T	4	6	1	-	-	4	1	-	16
WI	-	1	-	-	-	-	-	-	1
TOTALS	51	155	39	5	3	20	26	1	300*

* At the time of the report, one *Right to Information Act* request was still outstanding.

Application of the Act

When provincial government bodies sever information from a document or withhold a document, they must indicate which section of the *Act* authorizes the decision. The bar graph below indicates the number of times that a section was cited in responding to requests. Because more than one section may be cited in response to a single request, the number of occurrences does not coincide with the total number of requests recorded for this fiscal year.



Application of the Act by Departments

The table below provides a breakdown for the number of times a public body cited a section in response to requests.

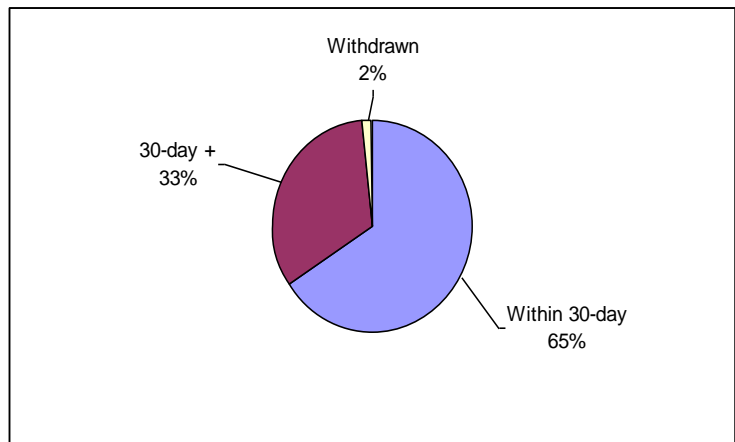
PUBLIC BODIES	6(a)	6(b)	6(b.1)(i)(ii)	6(c)	6(c.1)(i)(ii)	6(d)	6(e)	6(f)	6(f.1)	6(f.2)(i)(ii)(iii)	6(f.3)	6(g)	6(h)	6(h.1)	6(h.2)	6(i)	3(3)	3(4)	3(7)	3(8)	4(4)
AAS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
A&A	-	5	1	1	3	1	-	2	-	-	-	4	1	-	1	1	-	-	-	1	2
BNB	4	4	-	-	4	-	-	2	-	-	-	3	-	-	-	-	-	-	-	-	-
ED	-	4	1	1	-	-	-	2	-	-	-	1	-	-	-	-	-	2	-	-	1
ENG	-	3	-	3	3	2	-	1	1	-	-	3	2	-	-	-	2	-	-	-	-
ENV	6	58	-	-	-	-	-	4	-	-	-	9	-	-	-	-	14	3	2	1	7
ECO	2	1	-	1	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	1
F	1	1	-	1	1	1	-	1	-	-	-	1	1	-	-	-	-	-	-	1	-
FCS	7	8	4	1	-	-	-	1	-	-	-	2	1	-	-	-	-	1	-	1	1
FIN	1	2	-	2	-	-	-	-	-	1	-	2	1	-	-	-	-	2	-	2	4
H	1	3	1	-	1	-	-	-	-	1	1	2	-	-	-	-	-	7	-	-	2
IGA	2	5	3	-	-	4	-	2	-	-	-	4	-	-	-	-	-	-	-	-	-
JAG	8	8	2	1	-	1	-	6	1	-	-	3	1	3	1	2	-	5	-	2	5
LG	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NR	-	7	-	3	2	-	-	-	-	-	-	4	1	-	-	-	-	-	-	-	-
OHR	-	-	-	1	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-
PET&L	-	1	-	1	2	1	-	1	-	-	-	1	1	-	-	-	-	-	-	-	1
PO	2	-	-	1	-	-	-	-	-	-	-	1	1	-	-	-	-	5	-	-	2
PS	3	12	-	-	-	-	-	1	-	-	-	2	1	-	-	-	-	-	-	-	1
RDC	1	1	-	2	1	-	-	-	-	-	-	2	-	-	-	1	-	-	-	-	-
RHA	-	1	-	1	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-
SNB	4	8	-	-	1	-	-	-	-	-	-	1	1	-	-	-	-	3	-	-	2
S&H	1	1	-	-	-	-	-	1	-	-	-	1	1	-	-	-	-	-	-	-	-
S&S	-	1	1	1	-	-	-	1	-	-	-	1	-	-	-	1	1	-	-	-	1
TAP	-	1	-	1	1	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-
T	-	5	-	1	-	-	-	2	-	-	-	1	-	-	-	-	5	1	-	-	2
WI	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-
TOTALS	43	142	13	24	19	11	0	30	3	2	2	51	14	3	2	5	22	30	2	9	33

Processing Times

Under the New Brunswick's access legislation, a request must be responded to within 30 days of the date it was received by the Minister. The *Act* does not allow for any extensions. For 2006-2007, 65 % of the requests received were completed within 30-day timeframe while 33% required more time to respond. The remaining 2% accounts for requests that were withdrawn.

Processing Times by Department

Public Bodies	Within 30-day	30-day +	Withdrawn	Total
AAS	1	1	-	2
A&A	6	-	-	6
BNB	4	4	-	8
ED	5	3	-	8
ENG	6	5	-	11
ENV	56	41	-	97
ECO	3	-	-	3
F	1	-	-	1
FCS	18	-	3	21
FIN	10	2	-	12
H	5	19	-	24
IGA	3	2	-	5
JAG	13	3	-	16
LG	-	1	-	1
NR	13	-	-	13
OHR	1	1	1	3
PET&L	2	1	-	3
PO	8	2	-	10
PS	9	6	1	16
RDC	2	-	-	2
RHA	1	1	-	2
SNB	12	1	-	13
S&H	1	-	-	1
S&S	3	-	-	3
TAP	2	1	-	3
T	12	4	-	16
WI	1	-	-	1
Total	198	98	5	301



Reviews under the Act

An applicant, who is not satisfied with the Minister's response or where a Minister has failed to reply within the prescribed timeframe of 30 days, may refer the matter to the Ombudsman or the Court of Queen's Bench for review. In 2006 – 2007, all reviews under the *Act* were petitions to the Ombudsman.

2006 – 2007 Reviews

Reviews	Upheld	Reversed	Withdrawn	Outstanding*	Total
Ombudsman	7	9	5	1	22
Court	-	-	-	-	-
Total	7	9	5	1	22

*At the time of the report, a petition involving 3 requests remained outstanding.

2006 –2007 Petitions to the Ombudsman

Public Bodies	Applicant	Topic	Disposition	Act	Petition	Outcome
AFA	Public	Oyster Lease Site	Partially Granted	6(a), 6(b), 6(g)	O	Reversed
ED	Public	Centerville Middle School	Partially Granted	6(b)	O	Reversed
ED	Public	Student files	Partially Granted	6(b.1)(i)(ii)	O	Reversed
ED	Public	First Nation Education Initiative	Referral	3(4)	O	Reversed
ENG	Public	Applicants File	Granted	N/A	O	Upheld
ENG	Media	NB Power	Partially Granted	6(b), 6(c.1)(i)(ii)	O	Withdrawn
ENG	Media	Energy Efficiency	Partially Granted	6(b), 6(c.1)(i)(ii), 6(g)	O	Withdrawn
ENV	Public	Oil Deposit Investigation	Partially Granted	6(b)	O	Outstanding*
ENV	Organization	Fundy Solid Waste Commission	Partially Granted	6(b)	O	Upheld

*This petition involves 3 requests.

2006 – 2007 Petitions to the Ombudsman – Continued

Public Bodies	Applicant	Topic	Disposition	Act	Petition	Outcome
ENV	Media	Climate Change Action Plan	Denied	6(g)	O	Reversed
Health	Media	Nashwaak Keswick Ambulance	Denied	6(b), 6(c.1)(i)(ii), 6(h.1), 6(h.2)	O	Reversed
JAG	Public	Applicant's File	Partially Granted	6(a), (b), (b.1)(i), f	O	Withdrawn
JAG	Public	Human Rights Act	Denied	6(f), 6(g)	O	Reversed
NR	Public	Forest Management Agreements	Partially Granted	6(c.1)(i)(ii)	O	Withdrawn
NR	Public	Crown Land Exchange	Partially Granted	6(b), 6(c), 6(g)	O	Reversed
OHR	Media	Former Political Staff Severance Packages	Granted	N/A	O	Reversed
SNB	Public	Property Assessment on Campobello Island	Partially Granted	6(a)	O	Upheld
SNB	Public	Property Assessment on Campobello Island	Partially Granted	6(a), 6(b); 3(4); 4(4)	O	Upheld
SNB	Public	Property Assessment on Campobello Island	Partially Granted	6(a), 6(b); 3(4); 4(4)	O	Upheld
SNB	Public	Property Assessment on Campobello Island	Partially Granted	6(b)	O	Upheld
SNB	Public	Property Assessment on Campobello Island	Partially Granted	6(b)	O	Upheld
T	Public	Expropriation Case File	Granted	N/A	O	Withdrawn