

RIGHT TO INFORMATION

2007 – 2008 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 corporations 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 the *Protection of Personal Information Act*.

The responsibility for the legislation lies with the Executive Council Office. The actual administration of the *Act* lies with the departments, 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*.

Bill 82 – *Access to Information and Protection of Privacy Act* was introduced in the Legislature on June 5, 2008 and referred to the Standing Committee on Law Amendments.

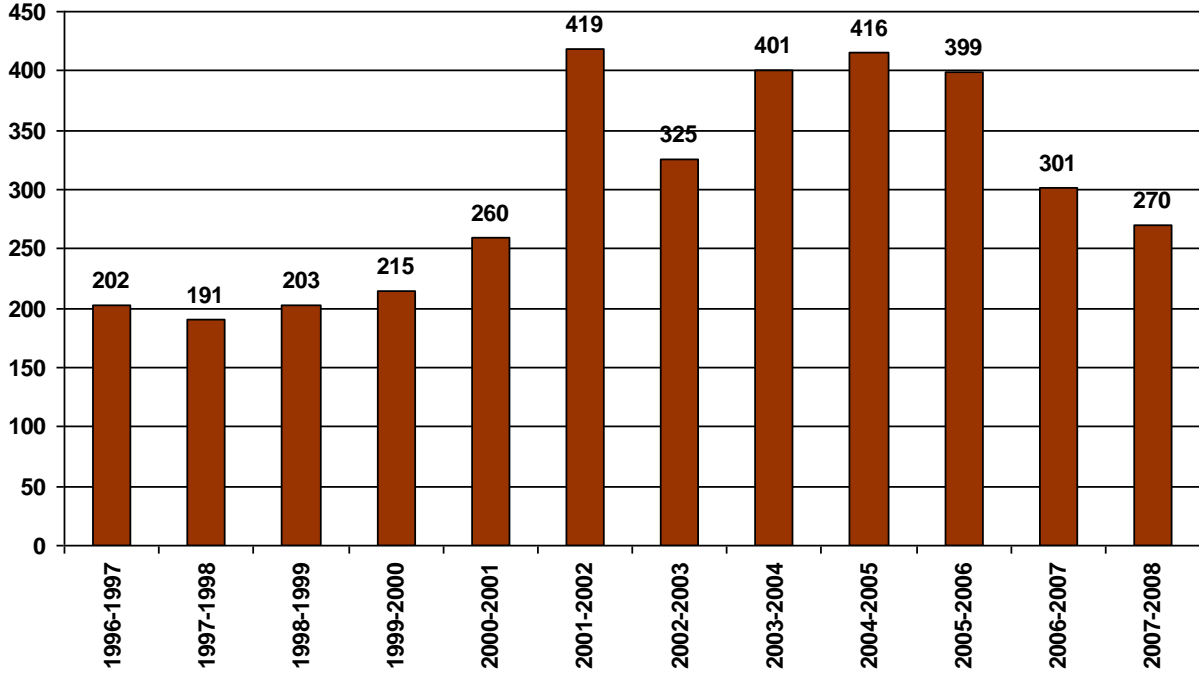
In 2007-2008, the *Right to Information Act* web pages (French and English) of the on-line service directory were visited 4, 539 times.

In June 2007, the 3rd annual Atlantic Canada Access and Privacy Workshop was once again held in Halifax. Twenty-one of the 110 delegates were from New Brunswick. Three of the 20 speakers were also from New Brunswick. The theme of this year's workshop was privacy.

Number of requests made to the New Brunswick Government

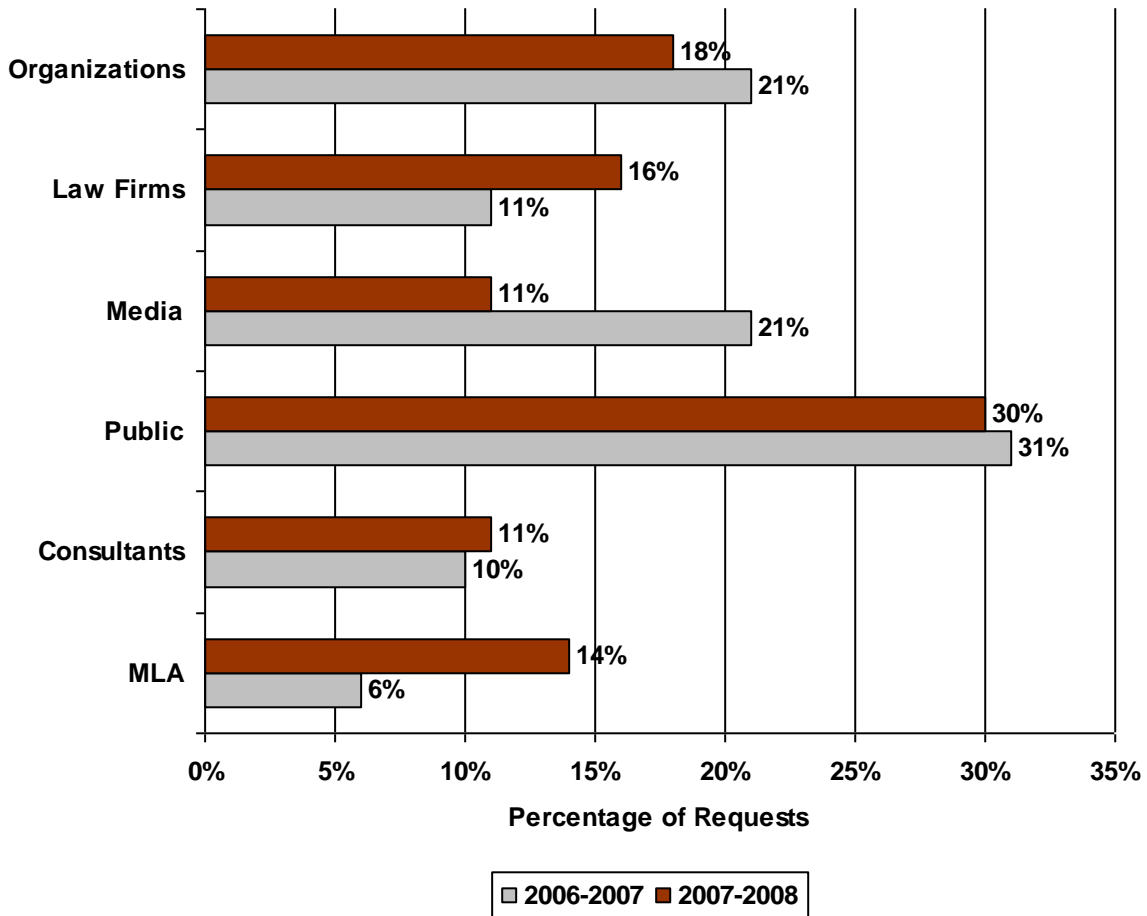
Government routinely makes information available to the public. The *Right to Information Act* (RTIA) is used when information cannot be accessed through normal channels. In 2007-2008, 270 requests were received by public bodies.

Number of RTIA Requests Received since April 1996



Who made RTIA Requests

In 2007-2008, 30 % of the requests were from the public, followed by the organizations with 18 % and Law Firms with 16 %. The remaining 36 % of the requests were from Members of the Legislative Assembly (14 %), consultants and media (11 % each).



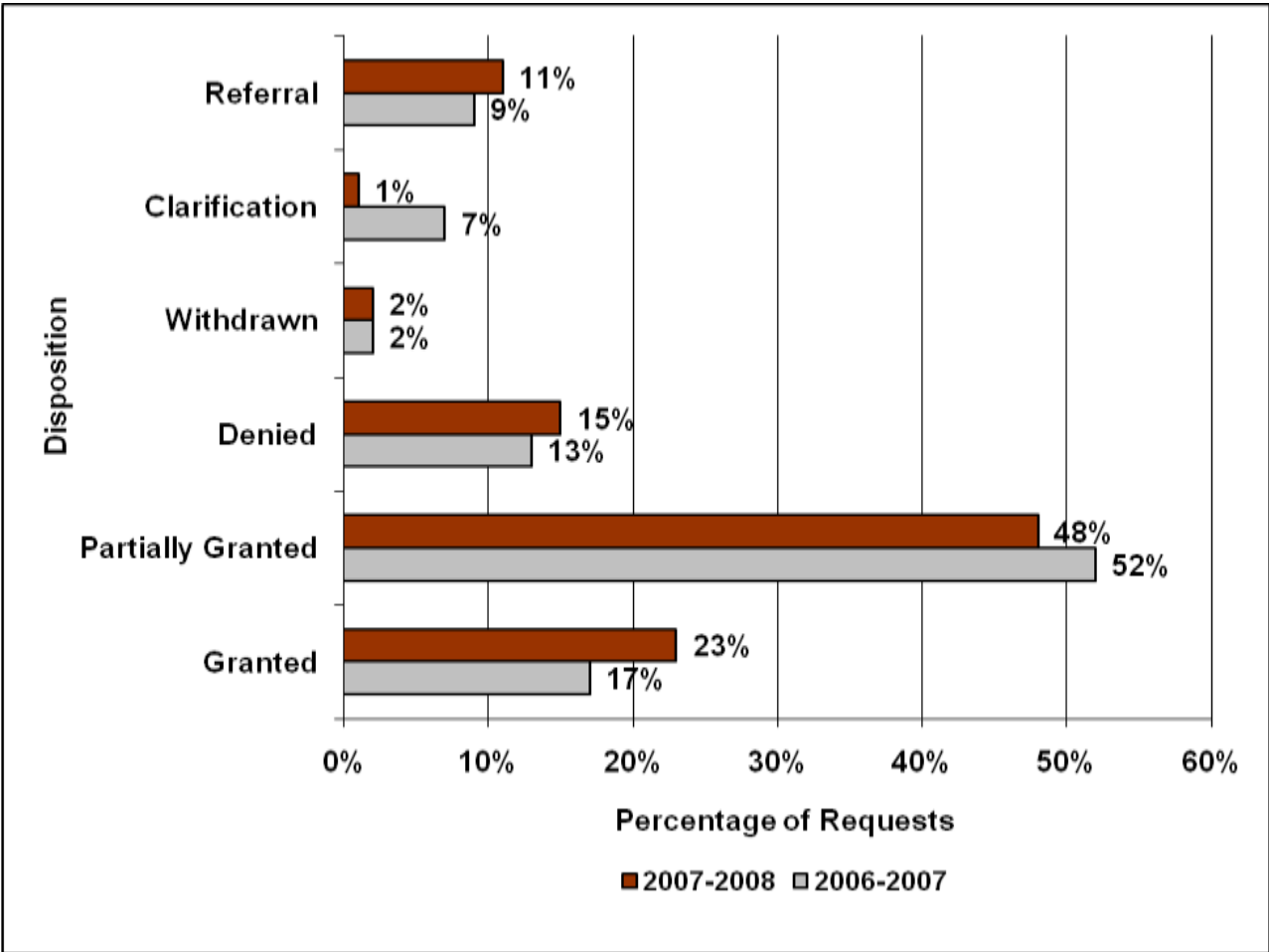
Who made RTIA Requests by Public Bodies

PUBLIC BODIES	MLA's	CONSULTANTS	PUBLIC	MEDIA	LAW FIRMS	ORGANIZATIONS	TOTAL
Aboriginal Affairs Secretariat	-	-	-	-	-	-	-
Agriculture and Aquaculture	1	-	1	1	2	3	8
Business New Brunswick	-	-	1	-	-	3	4
Education	3	-	6	1	1	1	12
Energy	6	-	4	4	4	1	19
Environment	1	29	12	-	10	13	65
Executive Council Office	1	-	-	1	1	1	4
Fisheries	1	-	-	-	-	-	1
Family and Community Services	4	-	9	2	1	-	16
Finance	2	-	-	3	4	1	10
Health	3	-	9	2	5	10	29
Intergovernmental Affairs	-	-	1	-	-	-	1
Justice and Consumer Affairs and Attorney General	-	-	4	5	5	3	17
Local Government	1	-	2	-	-	-	3
Natural Resources	6	-	4	-	3	2	15
Office of Human Resources	-	-	-	-	-	-	-
Office of the Premier	2	-	1	-	-	1	4
Post Secondary Education and Training	3	-	4	-	1	4	12
Public Safety	1	-	6	4	5	1	17
Regional Development Corporation	-	-	-	-	-	1	1
Regional Health Authorities	-	-	10	-	-	-	10
Service New Brunswick	-	-	2	-	-	-	2
Seniors and Housing	-	-	-	-	-	-	-
Supply and Services	-	-	1	4	-	-	5
Tourism and Parks	1	-	-	-	-	2	3
Transportation	1	1	3	4	1	2	12
TOTALS	37	30	80	31	43	49	270

*Effective December 19, 2007, the Department of Family and Community Services changed its name to the Department of Social Development.

How RTIA Requests were Processed

In 2007-2008, public bodies disclosed or partially disclosed information 71 % of the time; 14 % of requests were either withdrawn, referred or required clarification. The remaining 15 % of the requests were denied.

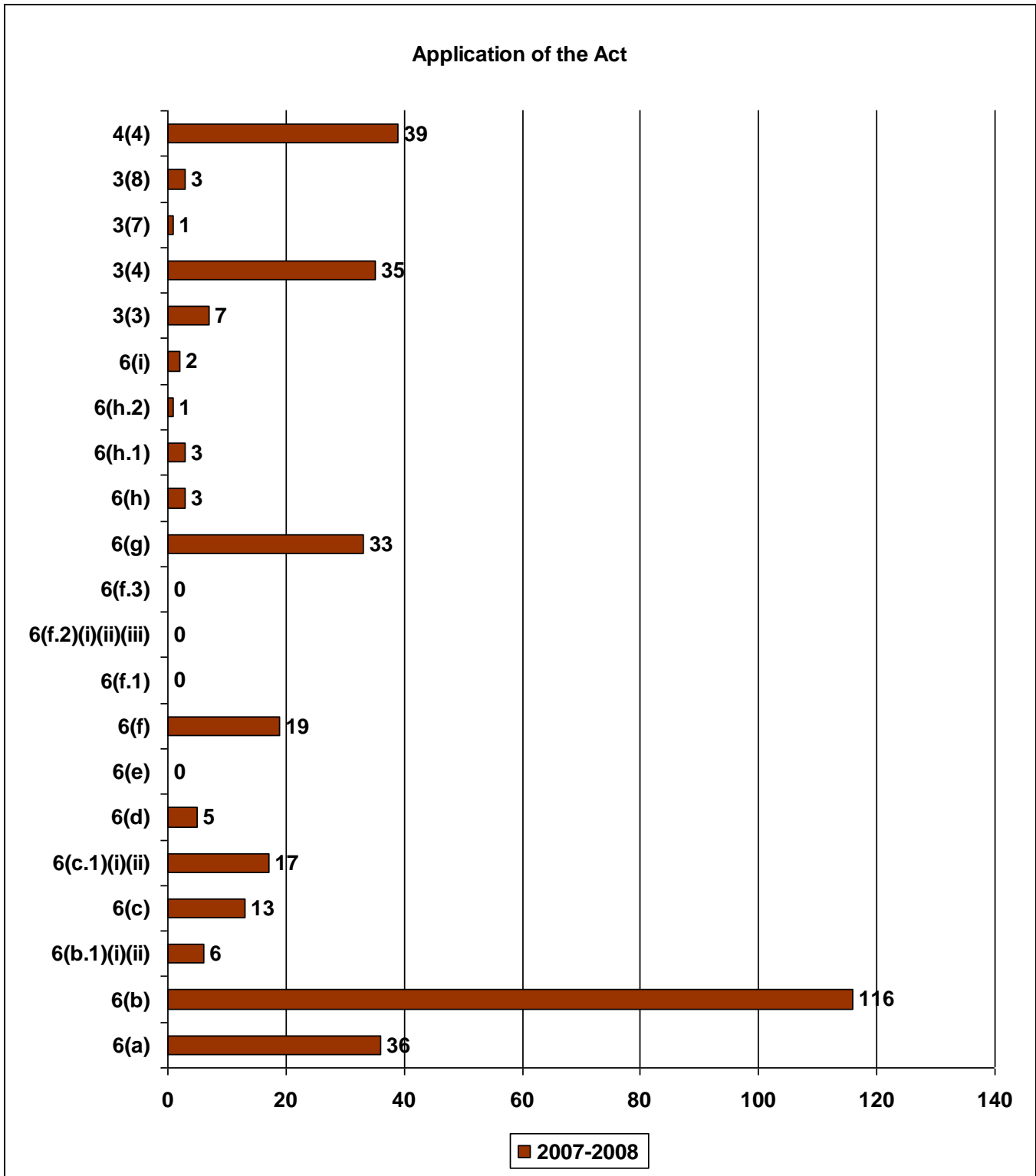


How RTIA Requests were Processed by Public Bodies

PUBLIC BODIES	GRANTED	PARTIALLY GRANTED	DENIED	WITHDRAWN	CLARIFICATION	REFERRAL	ARCHIVES	TOTAL
Aboriginal Affairs Secretariat	-	-	-	-	-	-	-	-
Agriculture and Aquaculture	1	6	-	-	-	1	-	8
Business New Brunswick	1	2	-	-	-	1	-	4
Education	3	4	1	-	-	4	-	12
Energy	4	9	6	-	-	-	-	19
Environment	14	40	9	1	1	-	-	65
Executive Council Office	2	1	-	-	-	1	-	4
Fisheries	-	1	-	-	-	-	-	1
Family and Community Services	3	8	3	-	-	2	-	16
Finance	2	3	-	-	-	5	-	10
Health	10	10	5	1	-	3	-	29
Intergovernmental Affairs	-	1	-	-	-	-	-	1
Justice and Consumer Affairs and Attorney General	1	7	6	-	1	2	-	17
Local Government	1	2	-	-	-	-	-	3
Natural Resources	1	8	4	-	-	2	-	15
Office of Human Resources	-	-	-	-	-	-	-	-
Office of the Premier	1	1	1	-	-	1	-	4
Post Secondary Education and Training	-	7	2	-	-	3	-	12
Public Safety	1	9	1	4	-	2	-	17
Regional Development Corporation	-	1	-	-	-	-	-	1
Regional Health Authorities	9	-	1	-	-	-	-	10
Service New Brunswick	2	-	-	-	-	-	-	2
Seniors and Housing	-	-	-	-	-	-	-	-
Supply and Services	1	3	-	-	-	1	-	5
Tourism and Parks	1	1	-	-	-	1	-	3
Transportation	4	7	1	-	-	-	-	12
TOTALS	62	131	40	6	2	29	-	270

How the Act was Applied

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 response 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.

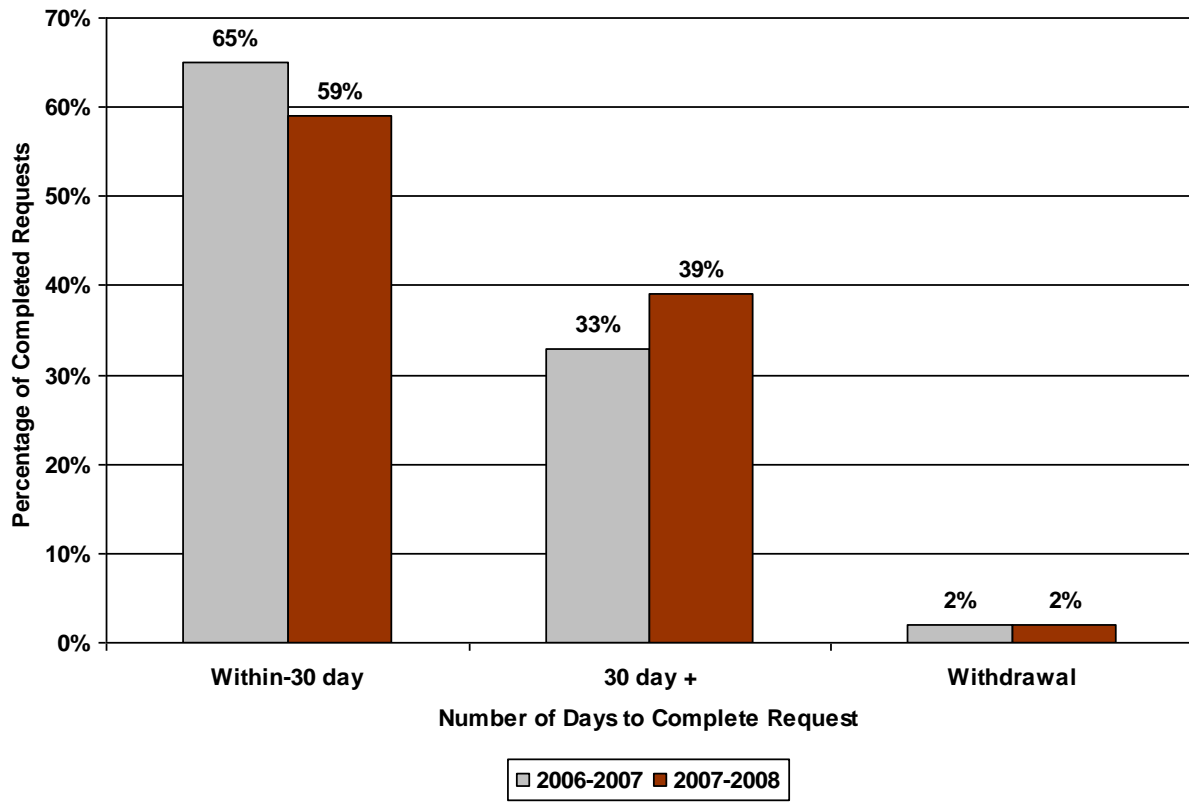


How the Act was Applied by Public Bodies

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)	
Aboriginal Affairs Secretariat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agriculture and Aquaculture	4	5	-	1	4	1	-	-	-	-	-	4	-	-	-	-	-	2	-	-	-	1
Business New Brunswick	-	2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	1
Education	1	2	-	-	-	-	-	1	-	-	-	1	-	-	-	-	-	5	1	-	-	1
Energy	-	7	-	3	4	-	-	1	-	-	-	4	-	-	-	-	1	-	-	1	-	7
Environment	3	39	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2	-	-	-	-	10
Executive Council Office	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Fisheries	-	1	-	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Family and Community Services	10	9	3	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3	-	-	-	2
Finance	-	3	-	-	1	-	-	-	-	-	-	2	-	-	-	-	-	5	-	1	-	-
Health	1	8	2	-	2	1	-	1	-	-	-	2	-	-	-	-	2	4	-	-	-	2
Intergovernmental Affairs	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Justice and Consumer Affairs and Attorney General	11	9	1	3	1	2	-	10	-	-	-	4	2	3	1	2	2	2	-	1	-	4
Local Government	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Natural Resources	2	6	-	2	1	-	-	3	-	-	-	6	1	-	-	-	-	2	-	-	-	2
Office of Human Resources	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office of the Premier	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	1
Post Secondary Education and Training	-	2	-	1	-	-	-	-	-	-	-	3	-	-	-	-	-	1	-	-	-	2
Public Safety	2	9	-	-	1	1	-	1	-	-	-	1	-	-	-	-	-	3	-	-	-	2
Regional Development Corporation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Regional Health Authorities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Service New Brunswick	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Seniors and Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Supply and Services	-	2	-	2	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	-
Tourism and Parks	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-
Transportation	1	6	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	1	-	-	-	1
TOTALS	36	116	6	13	17	5	0	19	0	0	0	33	3	3	1	2	7	35	1	3	39	

Response Times

Under 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. In 2007-2008, 59 % of the requests received were completed within the 30-day timeframe while 39 % required more time to respond. The remaining 2 % of requests were withdrawn.



Response Times by Public Bodies

Public Bodies	Within 30-day	30-day +	Withdrawn	Total
Aboriginal Affairs Secretariat	-	-	-	-
Agriculture and Aquaculture	5	3	-	8
Business New Brunswick	4	-	-	4
Education	9	3	-	12
Energy	11	8	-	19
Environment	28	36	1	65
Executive Council Office	4	-	-	4
Fisheries	1	-	-	1
Family and Community Services	10	6	-	16
Finance	8	2	-	10
Health	3	25	1	29
Intergovernmental Affairs	1	-	-	1
Justice and Consumer Affairs and Attorney General	10	7	-	17
Local Government	3	-	-	3
Natural Resources	14	1	-	15
Office of Human Resources	-	-	-	-
Office of the Premier	4	-	-	4
Post Secondary Education and Training	2	10	-	12
Public Safety	10	3	4	17
Regional Development Corporation	1	-	-	1
Regional Health Authorities	9	1	-	10
Service New Brunswick	2	-	-	2
Seniors and Housing	-	-	-	-
Supply and Services	4	1	-	5
Tourism and Parks	3	-	-	3
Transportation	12	-	-	12
Total	158	106	6	270

Reviews under the Act

When an applicant is not satisfied with the Minister's response or when a response has not been provided within the prescribed timeframe of 30 days, the applicant may refer the matter to the Ombudsman or the Court of Queen's Bench for review. In 2007 – 2008, there were 13 petitions to the Ombudsman and 2 court referrals.

2007 – 2008 Outcomes of Total Reviews

Reviews	Upheld	Reversed	Withdrawn	Outstanding*	Total
Ombudsman	7	4	1	1	13
Court	2	-	-	-	2
Total	9	4	1	1	15

*At the time of the report, there were 3 outstanding reviews.

2007 –2008 Outcomes of Petitions to the Ombudsman

Public Bodies	Applicant	Topic	Disposition	Act	Petition	Outcome
Health	Public	Information relating to deceased brother	Granted	N/A	Ombudsman	Upheld
Public Safety	Public	Fire Investigation	Partially Granted	6(b)	Ombudsman	Upheld
Education	Public	Correspondence regarding applicant	Granted	N/A	Ombudsman	Upheld
Family and Community Services	Public	Information relating to deceased brother	Denied	6(a)	Ombudsman	Reversed
Family and Community Services	Public	Special Care Homes	Partially Granted	6(a), 6(b), 6(g)	Ombudsman	Reversed
Energy	Public	Copy of applicant's file	Partially Granted	4(4); 6(f)	Ombudsman	Upheld
Energy	Public	Copy of applicant's file	Granted	N/A	Ombudsman	Upheld
Energy	MLA	Information regarding NB Power	Partially Granted	3(3); 6(b), 6(c), 6(c.1)(ii), 6(g)	Ombudsman	Reversed

2007 –2008 Outcomes of Petitions to the Ombudsman (continued)

Public Bodies	Applicant	Topic	Disposition	Act	Petition	Outcome
Environment	Organization	Irving Oil Refinery	Partially Granted	6(b)	Ombudsman	Withdrawn
Environment	Public	Septic waste disposal/composting site near Waweig	Partially Granted	6(b)	Ombudsman	Upheld
Justice and Consumer Affairs and Attorney General	Public	Legal Aid	Denied	6(d)	Ombudsman	Upheld
Justice and Consumer Affairs and Attorney General	Law Firm	Accident File	Denied	6(a), 6(b), 6(b.1)(i), 6(f), 6(i)	Ombudsman	Awaiting recommendation
Justice and Consumer Affairs and Attorney General	M	Court records	Reversed	3(4)	Ombudsman	Reversed

2007 – 2008 Outcomes of Court Referrals

Public Bodies	Applicant	Topic	Disposition	Act	Referral	Outcome
Energy	Media	Feasibility studies for second nuclear reactor at Point Lepreau	Partially Granted	6(b), 6(c), 6(c.1)(ii), 6(g)	Court	Upheld
Justice and Consumer Affairs and Attorney General	Law Firm	Tobacco Litigation	Denied	6(a), 6(b), (f)	Court	Upheld