

Right to Information

2012-2013 Annual Report

Department of Government Services

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2012-2013 Annual Report
Right to Information and Protection of Privacy

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INTRODUCTION

The *Right to Information and Protection of Privacy Act* (RTIPPA) is a legislation that aims to strike a balance between the public's right to know and individuals' right to privacy. The Act is based on the principles of transparency, accountability, and openness.

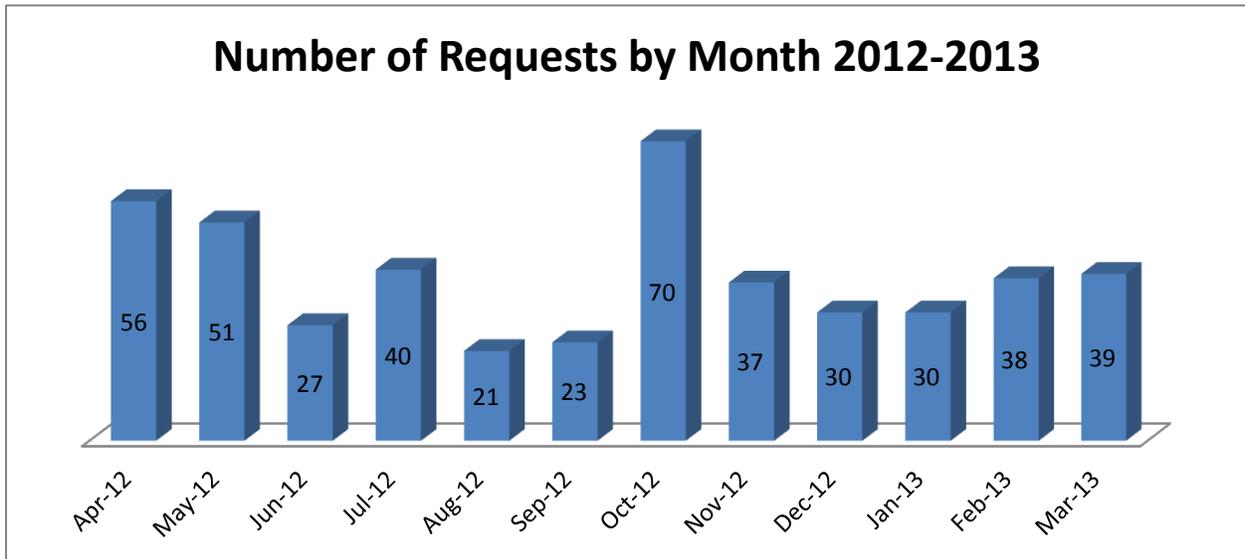
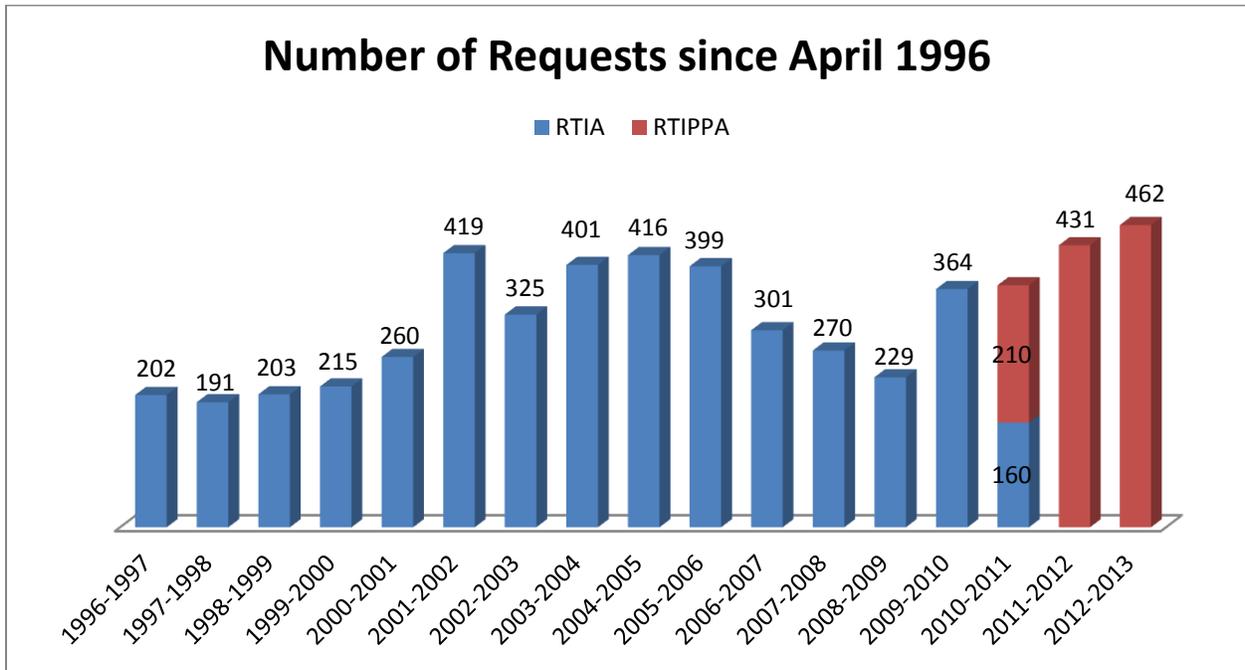
The Act applies to most publicly-funded bodies within the New Brunswick provincial public sector. Public bodies subject to RTIPPA include: the Provincial civil service, schools (K-12), health authorities, crown corporations, community colleges, universities, municipalities, municipal police forces, and other local government bodies. RTIPPA does not apply to either federal bodies (e.g. the RCMP), nor to any private businesses or associations.

Please Note: This annual report captures only right-to-information statistics for provincial government departments and agencies responding to applications for access to records during the period of April 1st 2012 to March 31st 2013. All other public bodies were not brought under the Act until autumn 2012 and spring 2013.

More information on the Act can be found at www.gnb.ca/info, or by contacting the Information Access and Privacy Unit (Department of Government Services) at info.priv@gnb.ca or by phone at (506) 444-4180.

NUMBER OF REQUESTS SUBMITTED TO PUBLIC BODIES

In 2012-2013, public bodies received a total of 462 requests for information; that is an increase of 31 requests or 7.2% from the previous year.

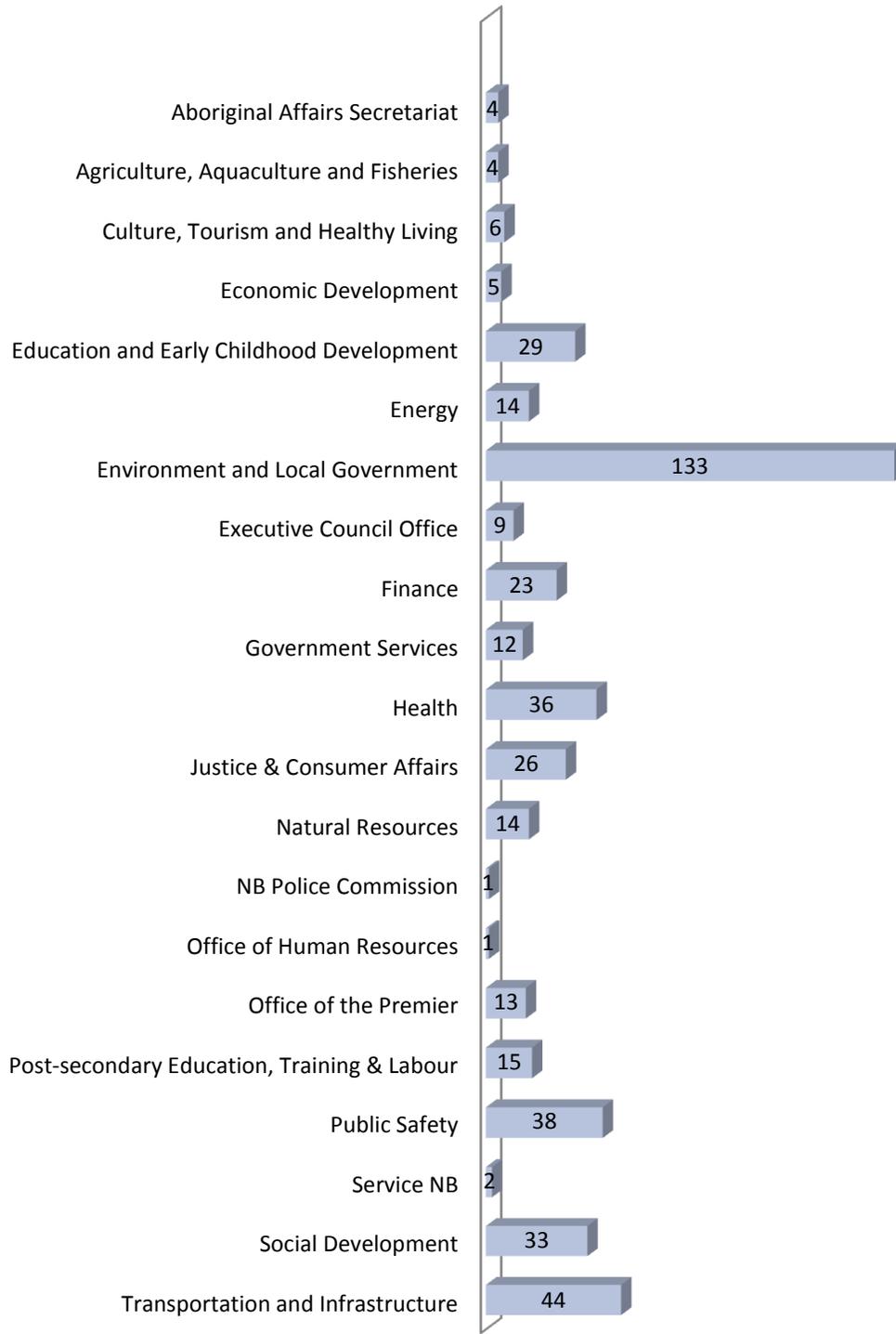


NUMBER OF REQUESTS RECEIVED UNDER RTIPPA

Between April 1st 2012 and March 31st 2013, public bodies received a total of 462 requests. The Department of Environment had the most requests with 133 which amounts to 29% of the requests received. The majority of the requests received by the Department of Environment were in relation with matters dealing with remediation of property. The Department of Transportation and Infrastructure was next with 44 requests (10%) and the Department of Public Safety came in 3rd with 38 (8%) requests.

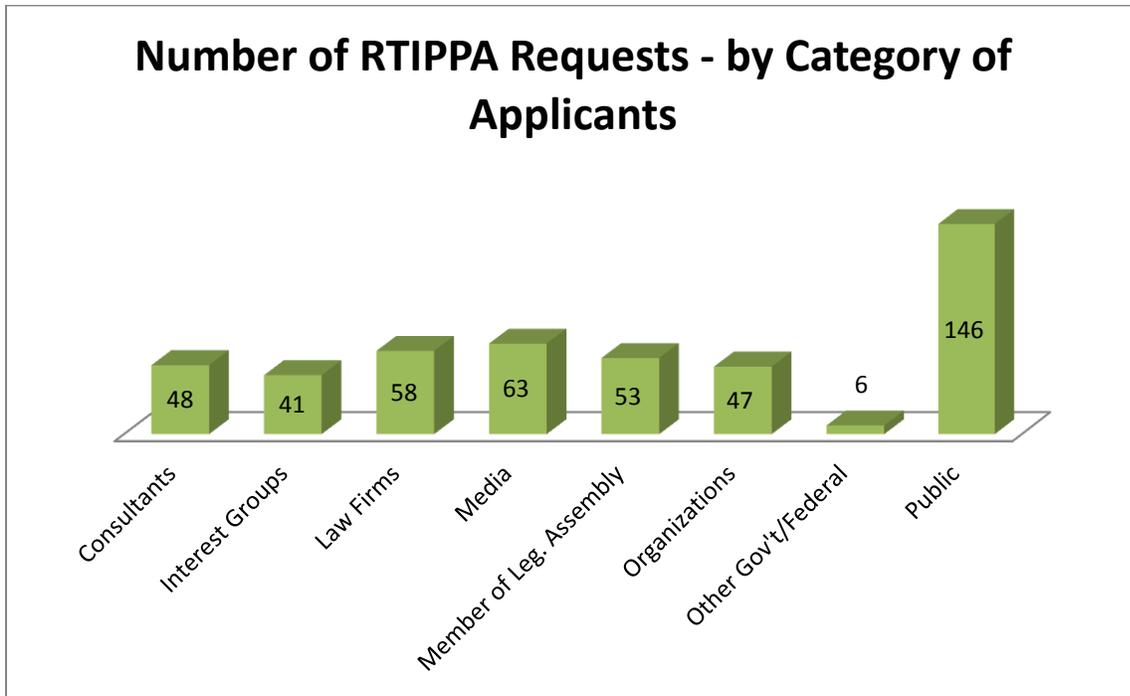
Public Body	Requests
Aboriginal Affairs Secretariat	4
Agriculture, Aquaculture and Fisheries	4
Culture, Tourism and Healthy Living	6
Economic Development	5
Education and Early Childhood Development	29
Energy	14
Environment and Local Government	133
Executive Council Office	9
Finance	23
Government Services	12
Health	36
Justice & Consumer Affairs	26
Natural Resources	14
NB Police Commission	1
Office of Human Resources	1
Office of the Premier	13
Post-secondary Education, Training & Labour	15
Public Safety	38
Service NB	2
Social Development	33
Transportation and Infrastructure	44
TOTAL	462

Number of RTIPPA Requests - by Public Body



NUMBER OF RTIPPA REQUESTS – BY CATEGORY OF APPLICANTS

From April 1st 2012 to March 31st 2013, 146 requests (32%) were submitted by the public, followed by Media with 63 (14%), Law Firms with 58 (13%), member of Legislative Assembly with 53 (11%), Consultants with 48 (10%), Organizations with 47 (10%), Interest Groups with 41 (9%), and Other Government / Federal with 6 (1%).

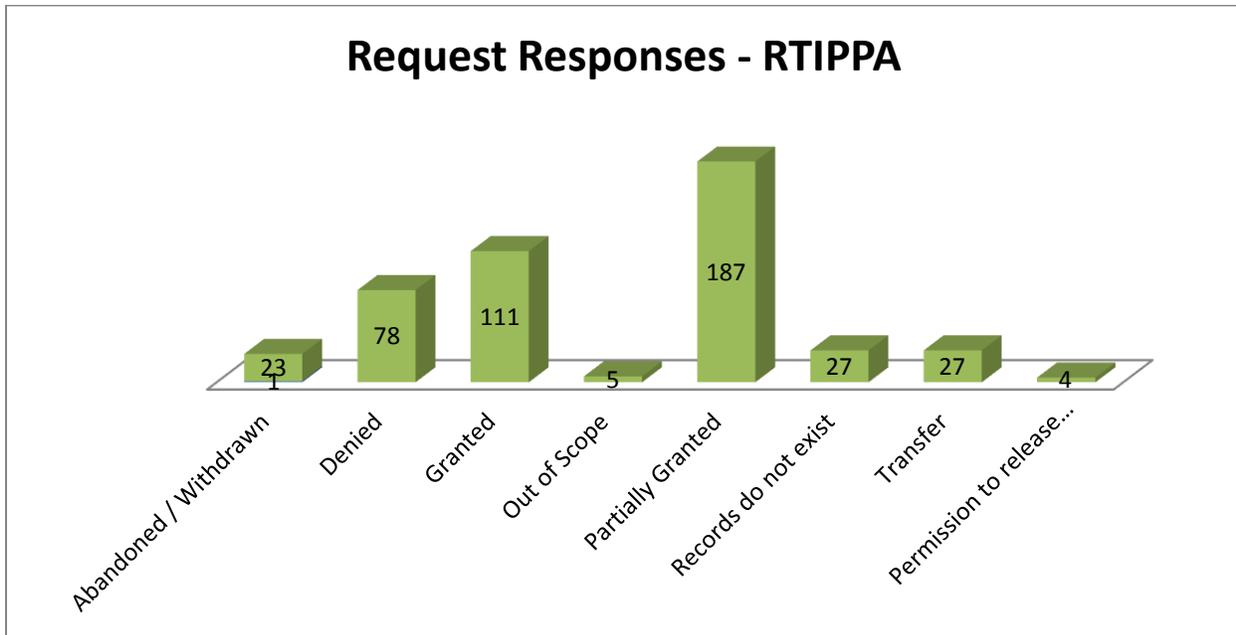


CATEGORIES OF APPLICANTS – BY PUBLIC BODY

	Consultants	Public	Other Gov't / Federal	MLAs	Organizations	Media	Law Firms	Interest Groups
Aboriginal Affairs Secretariat	-	1	-	-	3	-	-	-
Agriculture, Aquaculture and Fisheries	-	1	-	-	3	-	-	-
Culture, Tourism and Healthy Living	-	1	-	1	2	2	-	-
Economic Development	-	-	-	3	1	1	-	-
Education and Early Childhood Development	-	14	-	3	9	3	-	-
Energy	-	5	-	1	3	5	-	-
Environment and Local Government	48	25	4	3	6	5	26	16
Executive Council Office	-	3	-	2	-	-	-	4
Finance	-	4	-	7	5	-	3	4
Government Services	-	6	1	2	-	3	-	-
Health	-	10	1	14	1	7	3	-
Justice & Consumer Affairs	-	14	-	4	2	3	3	-
Natural Resources	-	5	-	2	-	3	1	3
NB Police Commission	-	1	-	-	-	-	-	-
Office of Human Resources	-	-	-	-	-	-	-	1
Office of the Premier	-	5	-	1	2	1	-	4
Post-secondary Education, Training & Labour	-	7	-	2	1	3	2	-
Public Safety	-	11	-	-	-	7	12	8
Service NB	-	2	-	-	-	-	-	-
Social Development	-	13	-	3	2	10	5	-
Transportation and Infrastructure	-	18	-	5	7	10	3	1
TOTAL	48	146	6	53	47	63	58	41

REQUEST RESPONSES – RTIPPA

Public bodies disclosed or partially disclosed information 65% of the time. A total of 82 requests (18%) were either withdrawn, transferred, out of scope or did not exist. Access to information was denied on 78 (17%) occasions.

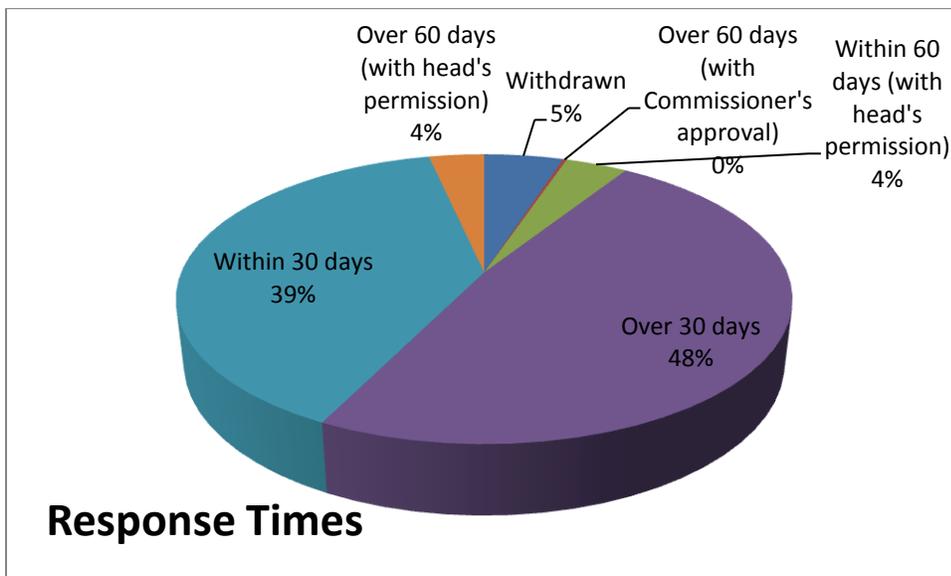
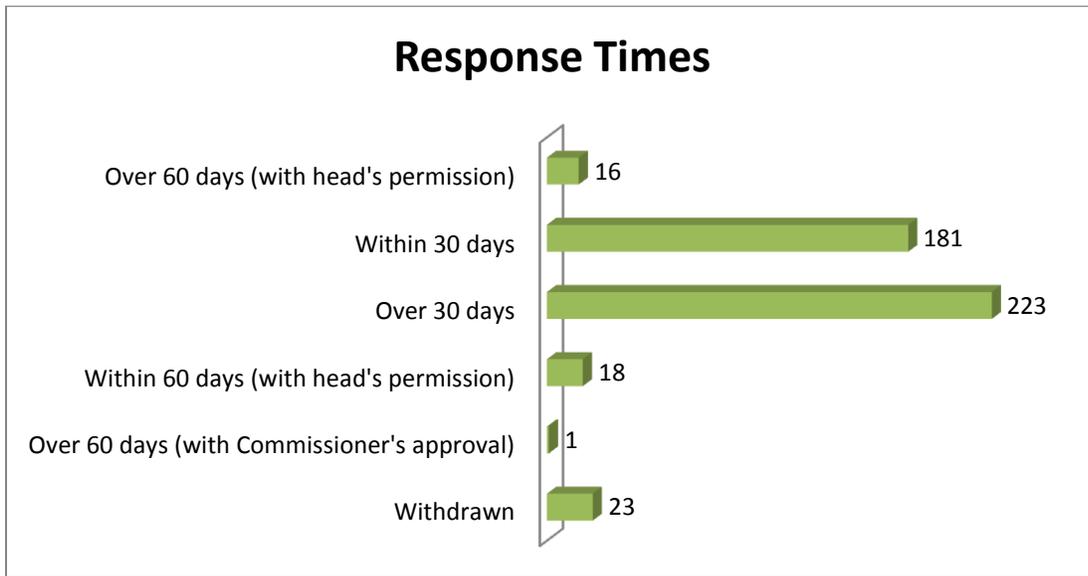


RTIPPA REQUEST RESPONSES – BY PUBLIC BODY

	Granted	Partially granted	Denied	Withdrawn / Abandoned	Transfer	Records do not exist	Out of Scope	Permission to release (Federal)	Total
Aboriginal Affairs Secretariat	1	-	-	1	2	-	-	-	4
Agriculture, Aquaculture and Fisheries	3	1	-	-	-	-	-	-	4
Culture, Tourism and Healthy Living	2	1	2	-	-	1	-	-	6
Economic Development	5	-	-	-	-	-	-	-	5
Education and Early Childhood Development	20	1	1	-	3	4	-	-	29
Energy	4	7	-	-	2	1	-	-	14
Environment and Local Government	11	73	30	12	2	-	1	4	133
Executive Council Office	-	3	5	1	-	-	-	-	9
Finance	7	2	2	2	5	5	-	-	23
Government Services	2	4	-	1	1	4	-	-	12
Health	9	11	3	-	6	3	4	-	36
Justice & Consumer Affairs	5	6	11	2	1	1	-	-	26
Natural Resources	2	7	3	-	1	1	-	-	14
NB Police Commission	-	1	-	-	-	-	-	-	1
Office of Human Resources	1	-	-	-	-	-	-	-	1
Office of the Premier	2	5	2	1	1	2	-	-	13
Post-secondary Education, Training & Labour	6	7	-	-	1	1	-	-	15
Public Safety	8	19	9	-	2	-	-	-	38
Service NB	-	-	2	-	-	-	-	-	2
Social Development	11	16	4	-	-	2	-	-	33
Transportation and Infrastructure	12	23	4	3	-	2	-	-	44
TOTAL	111	187	78	23	27	27	5	4	462

RESPONSE TIMES – RTIPPA

Public bodies must respond to a request within 30 days after the request is received. In certain circumstances however, RTIPPA allows for time extensions to be granted to the public body. The first extension is for 30 additional days and is granted by the head of the public body. If a second extension is required, application must be made to the Commissioners. If granted, the extension will be for the number of days established by the Commissioner.



APPLICATION OF RTIPPA – BY SECTION

When public bodies sever information from a record or decide to with-hold a record, they must indicate which section of RTIPPA was used. The following table summarizes the sections of the Act that were used. 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.

Sect.	Explanation	Number of Times Applied
4	Out of scope	21
12	Application deemed abandoned	1
13	Transferring a request for access	7
14	Contents of response (Record does not exist or can't be located)	33
17	Executive Council confidences	29
18	Information provided in confidence to a government	12
20	Information from a harassment, personal or university investigation	1
21	Unreasonable invasion of third party's privacy	127
22	Disclosure harmful to a third party's business or financial interests	61
25	Local public body confidences	2
26	Advice to public body	39
27	Legal privilege	13
29	Disclosure harmful to law enforcement or legal proceedings	2
30	Disclosure harmful to economic and other interest of a public body	3
33	Information that is or will be available to the public	6

REVIEWS UNDER RTIPPA

If applicants are not satisfied with the decision of the public body or if the response is not received within the established timelines, they 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 the period in question, no matters were referred to the Court of Queen's Bench. For information and statistics on complaints filed with the Information and Privacy Commissioner, please see the commissioner's annual reports which can be found at www.info-priv-nb.ca.