

*Right to Information and
Protection of Privacy*

2013-2014 Annual Report

Government Services

2013-2014 Annual Report
Right to Information and Protection of Privacy

Published by:

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

CONTENTS

INTRODUCTION.....	
Right to Information	1
Protection of Privacy.....	1
RTIPPA REQUESTS	
Number of Requests.....	2
Type of Requests	3
Applicants.....	3
Respondents	4
Responses to Requests	5
Reasons for Not Disclosing Information	6
REVIEW PROCESS.....	7
Complaints and Referrals by Applicants Under <i>RTIPPA</i>	7
CONTACT INFORMATION	7
<u>Figures and Tables</u>	
FIGURE 1 - Number of <i>RTIPPA</i> Requests Since April 1996	2
FIGURE 2 - Number of <i>RTIPPA</i> Requests by Month	2
FIGURE 3 - Number of <i>RTIPPA</i> Requests by Type of Request	3
FIGURE 4 - Number of <i>RTIPPA</i> Requests by Category of Applicant	3
FIGURE 5 – Number of <i>RTIPPA</i> Requests by Department	4
FIGURE 6 – Number of <i>RTIPPA</i> Requests by Response Time	5
FIGURE 7 – Number of <i>RTIPPA</i> Requests by Response Type	5
TABLE 1 - Number of <i>RTIPPA</i> Requests Relying on Specified Sections of <i>RTIPPA</i> to Sever or Withhold Requested Information	6

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 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, 2013 to March 31, 2014.

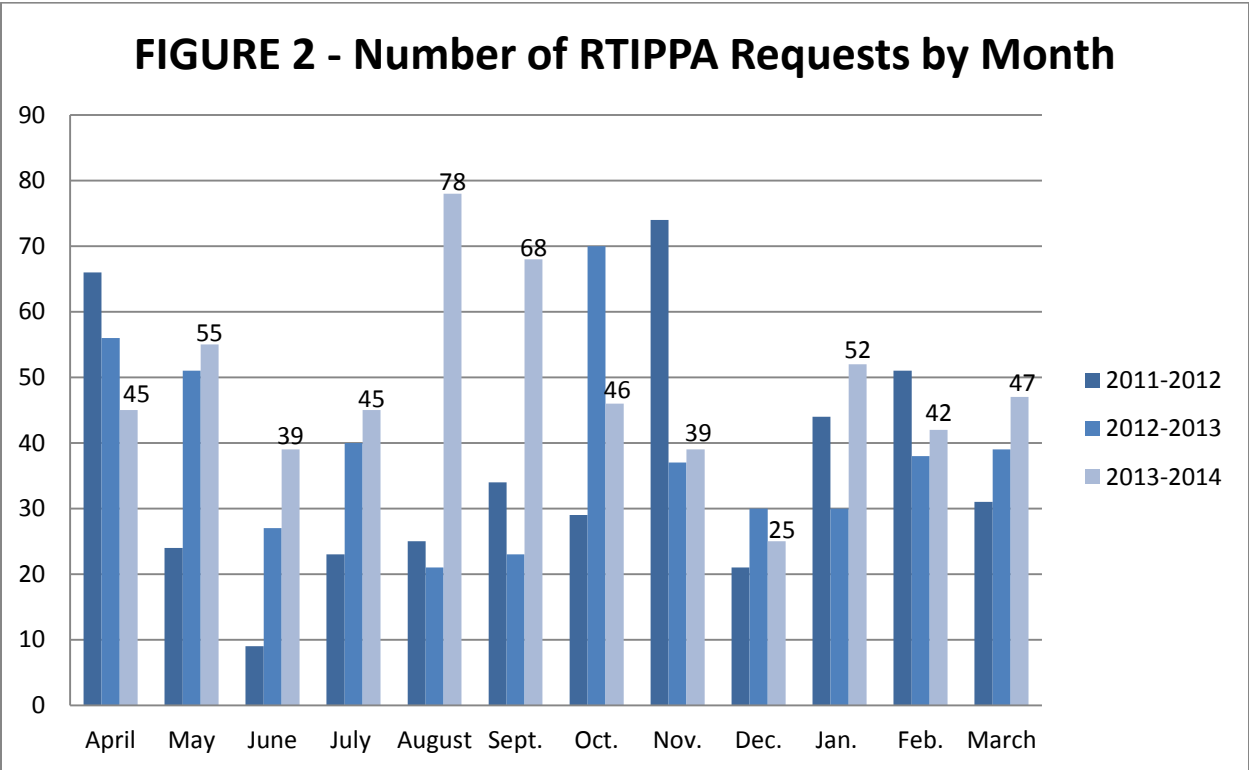
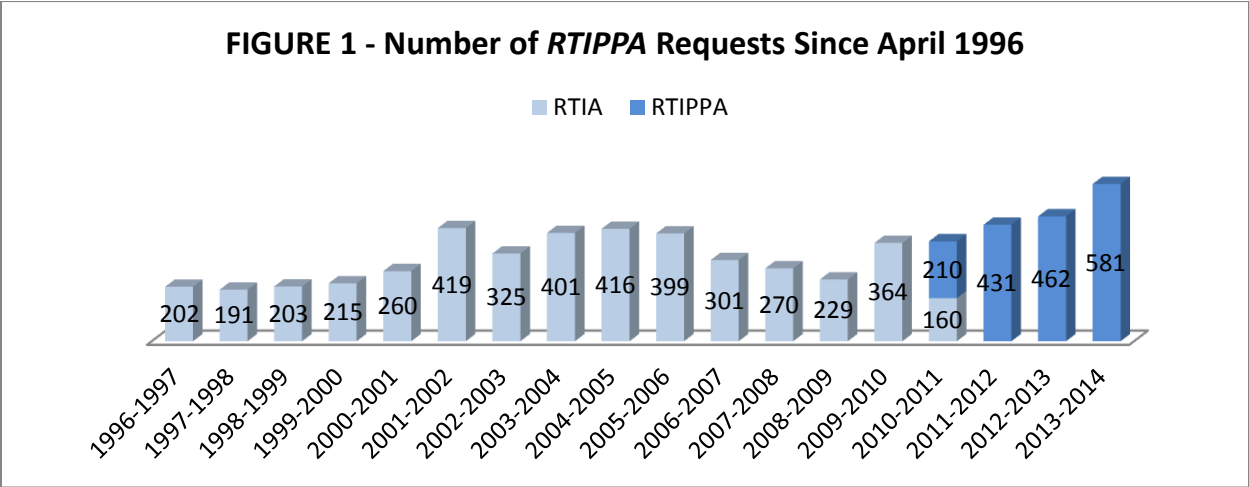
PROTECTION OF PRIVACY

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

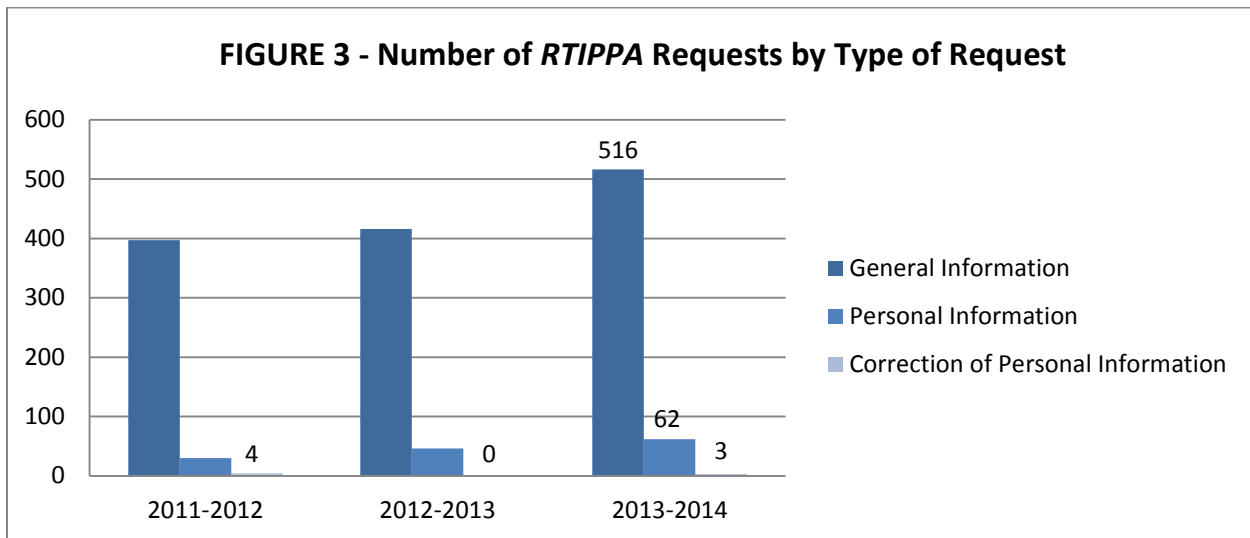
NUMBER OF REQUESTS

In 2013-2014, departments received a total of 581 RTIPPA requests. This is an increase of 119 requests (26%) from the previous fiscal year and continues the pattern of increases in requests received annually since 2008-2009. The greatest number of requests received in a given month was in August at 78 requests (13.4% of total requests) followed by September at 68 requests (11.7% of total requests).



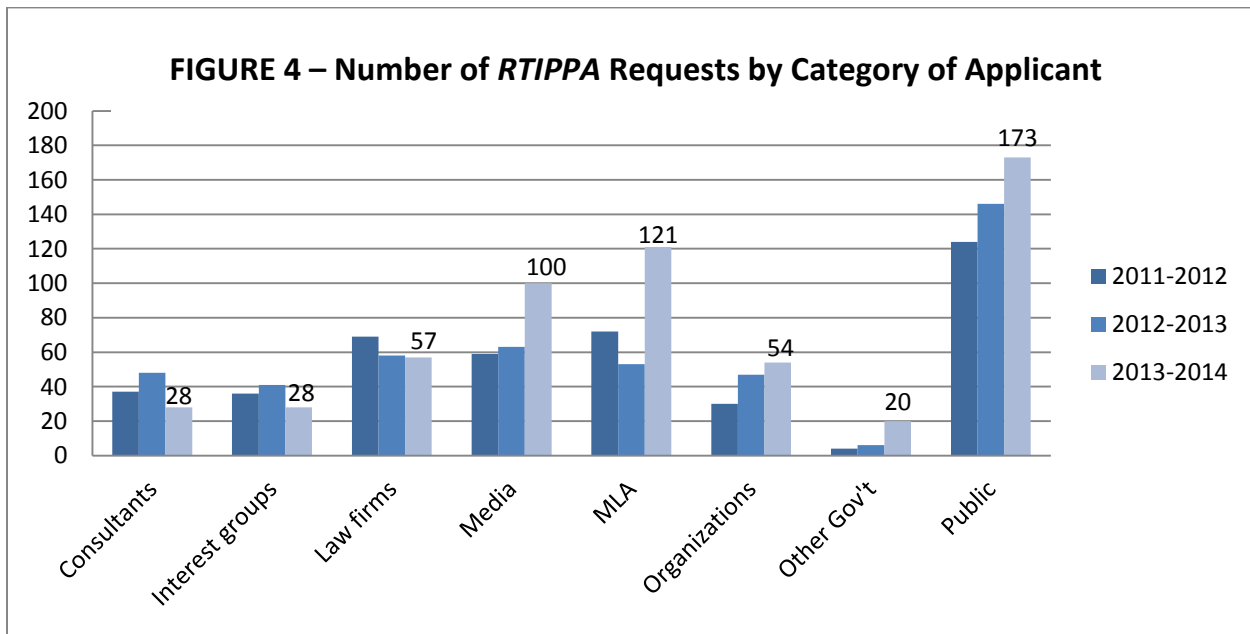
TYPE OF REQUESTS

Most *RTIPPA* requests in 2013-2014 were for general information at 516 requests (88.8% of total requests). There were 62 requests for personal information (10.7% of total requests) and 3 requests (0.05% of total requests) to correct personal information.



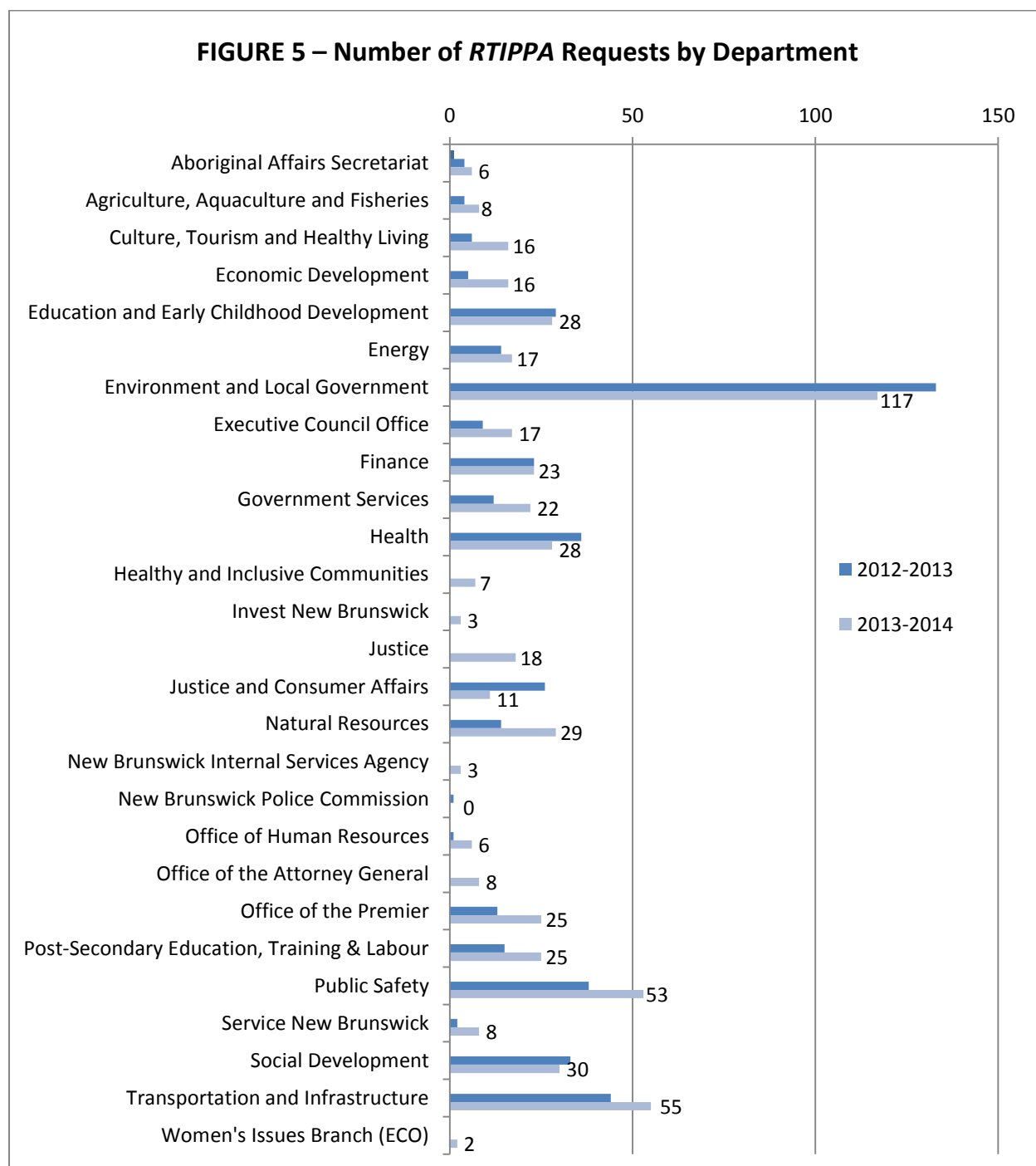
APPLICANTS

In 2013-2014 for the third fiscal year in a row, the public submitted the most *RTIPPA* requests to departments of any category of applicant (173 requests or 30% of total requests). Members of the Legislative Assembly submitted the second to the most requests (121 or 21% of total requests), followed by the Media (100 requests or 17% of total requests).



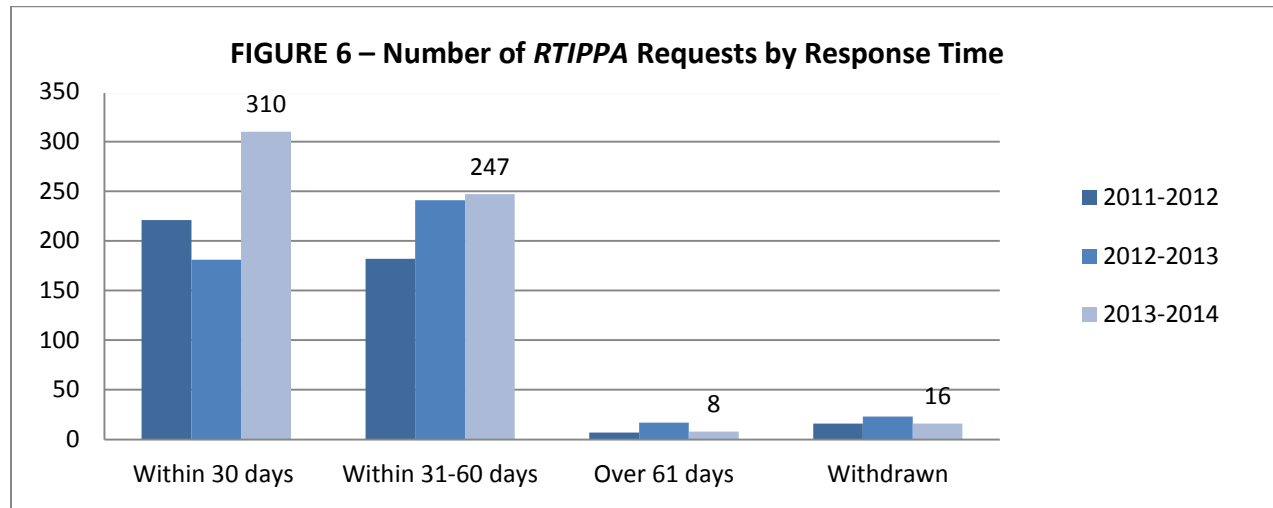
RESPONDENTS

Like the year before, in 2013-2014 the Dept of Environment and Local Government received the most *RTIPPA* requests of any department (117 requests or 20% of total requests). This was followed by the Dept of Transportation and Infrastructure (55 requests or 9.5% of total requests) and the Dept of Public Safety (53 requests or 9% of total requests). These three departments received almost 40% of the total requests.

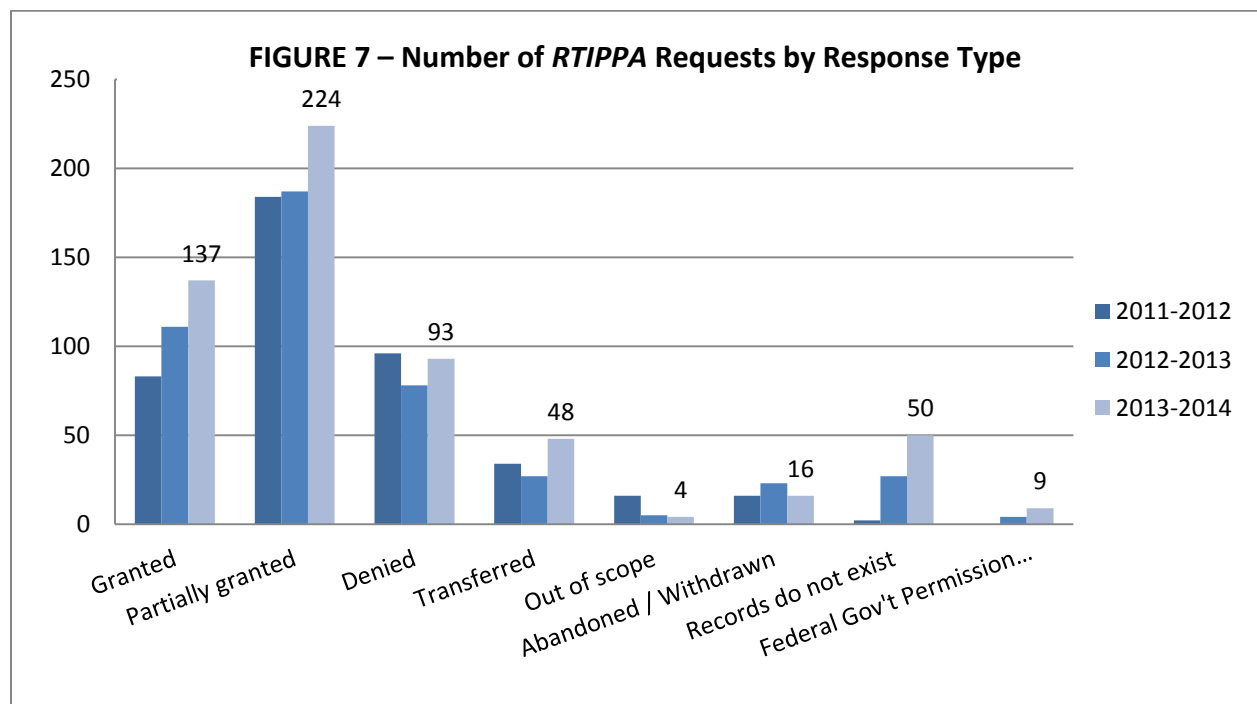


RESPONSES TO *RTIPPA* REQUESTS

In 2013-2014, departments responded to 310 *RTIPPA* requests (53.4% of total requests) within 30 days of receipt, 247 requests (42.5% of total requests) within 31 to 60 days of receipt and 8 requests (1.4% of total requests) more than 60 days after the date of receipt. Some requests were withdrawn (16 or 2.8% of total requests). Over 94% of requests were responded to within 60 days.



Departments partially or fully granted 361 *RTIPPA* requests (62.1% of total requests). A total of 118 requests (20.3% of total requests) were either abandoned, withdrawn, transferred, out of scope or requesting records which did not exist. Access to information was denied for 93 requests (16.0% 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 section(s) 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 2013-2014, section 21 regarding an unreasonable invasion of a third party's privacy was relied on the most (146 times), followed by section 26, advice to a public body (81 times) and section 22, disclosure harmful to a third party's privacy (75 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		
		2011-2012	2012-2013	2013-2014
4	Records to which this Act applies (out of scope)	19	21	25
12	Application deemed abandoned	1	1	1
13	Transferring a request for access	3	7	5
14	Contents of response (record does not exist or cannot be located)	22	33	13
15	Power to authorize a head to disregard requests	0	0	0
17	Executive Council confidences	21	29	30
18	Information provided in confidence to a government	1	12	14
19	Information provided by a council of the band	0	0	0
20	Information from a harassment, personal or university investigation	5	1	6
21	Unreasonable invasion of third party's privacy	50	127	146
22	Disclosure harmful to a third party's business or financial interests	10	61	75
23	Disclosure harmful to government relations	1	0	1
24	Disclosure harmful to relations between NB and a council of the band	0	0	0
25	Local public body confidences	0	2	0
26	Advice to public body	11	39	81
27	Legal privilege	2	13	29
28	Disclosure harmful to an individual or to public safety or in the public interest	0	0	0
29	Disclosure harmful to law enforcement or legal proceedings	2	2	7
30	Disclosure harmful to economic and other interest of a public body	0	3	25
31	Tests, testing procedures and audits	0	0	0
32	Confidential evaluations	0	0	4
33	Information that is or will be available to the public	1	6	25

REVIEW PROCESS

COMPLAINTS AND REFERRALS BY APPLICANTS UNDER *RTIPPA*

If applicants are not satisfied with a response to their *RTIPPA* 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:

Information Access and Privacy Unit
Government Services
Tel.: (506) 444-4180
Email: Info.Priv@gnb.ca