

*Right to Information and
Protection of Privacy*

2017-2018 Annual Report

Treasury Board

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Right to Information and Protection of Privacy

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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, 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.

RIGHT TO INFORMATION

RTIPPA gives people the 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, 2017, to March 31, 2018.

PROTECTION OF PRIVACY

RTIPPA also protects an individual's right to information privacy¹ by:

- giving individuals a right to access, receive and request correction to their personal information, with some exceptions, in the custody or control of a public body; and
- setting rules, a public body must follow for collecting, using, disclosing, retaining, securing and accuracy of personal information. (These rules are based on internationally recognized principles of fair information practices.)

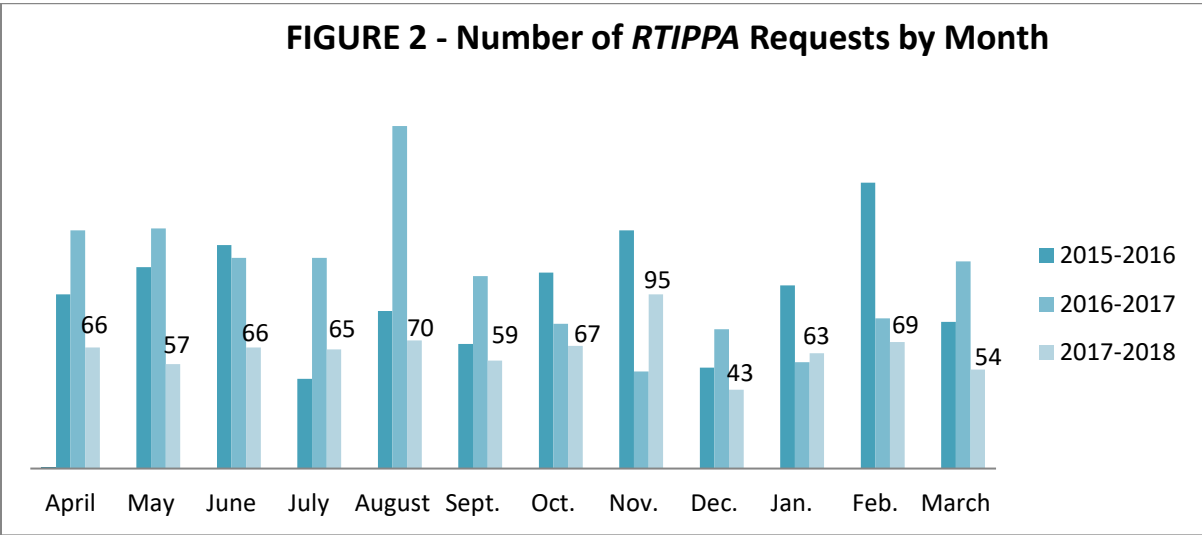
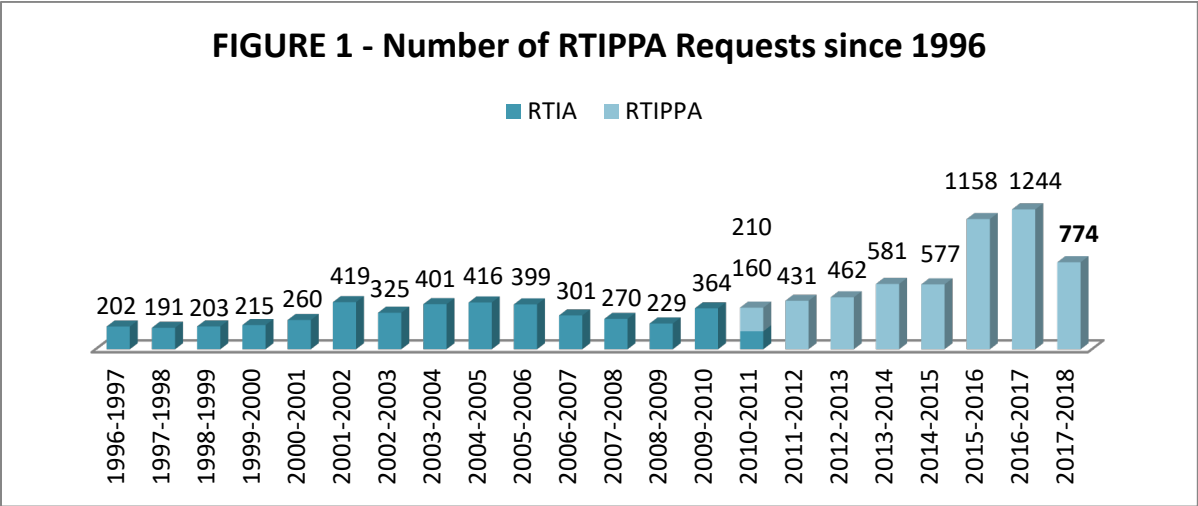
Apart from data in the RITS on the number of requests departments receive for personal information and correction of personal information, the Information Access and Privacy Unit does not collect data on departmental activities related to protection of information privacy.

¹ Information privacy is the basic right of individuals in a liberal democratic society to control their personal information, including who can access it and for what purpose.

RIGHT TO INFORMATION REQUESTS

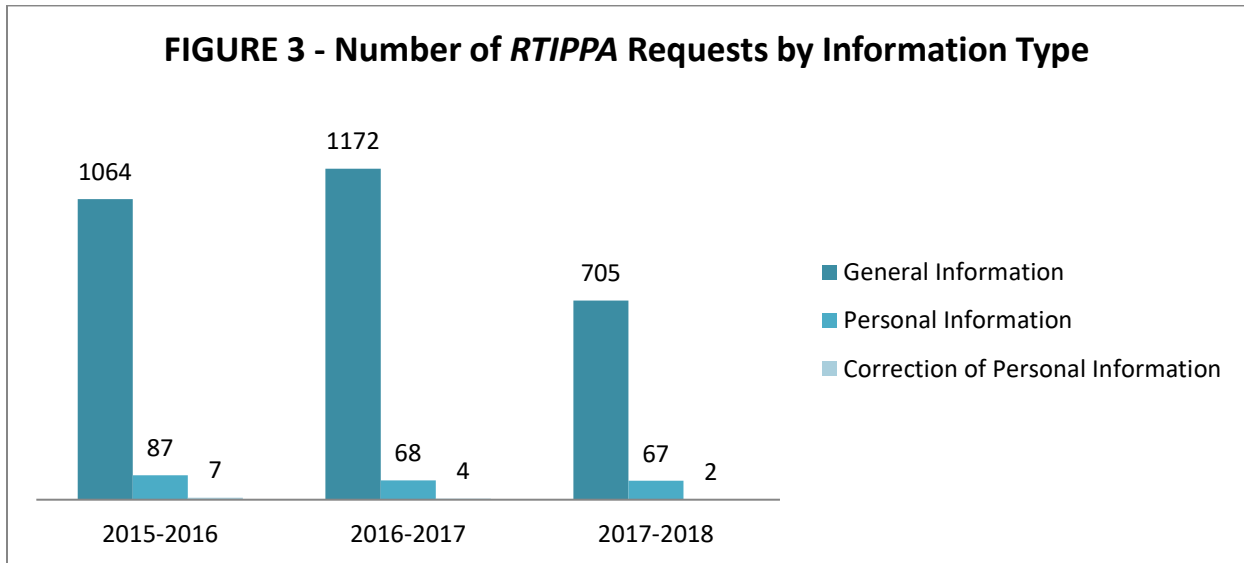
NUMBER OF REQUESTS

In 2017-2018, departments received a total of 774 RTIPPA requests. This is a decrease of 37.8% compared to the total requests received in 2016-2017. The greatest number of requests, 95 (12% of total requests), was received in November 2017, followed by 70 requests (9% of total requests) in August 2017 and 69 requests in February 2018 (almost 9% of total requests).



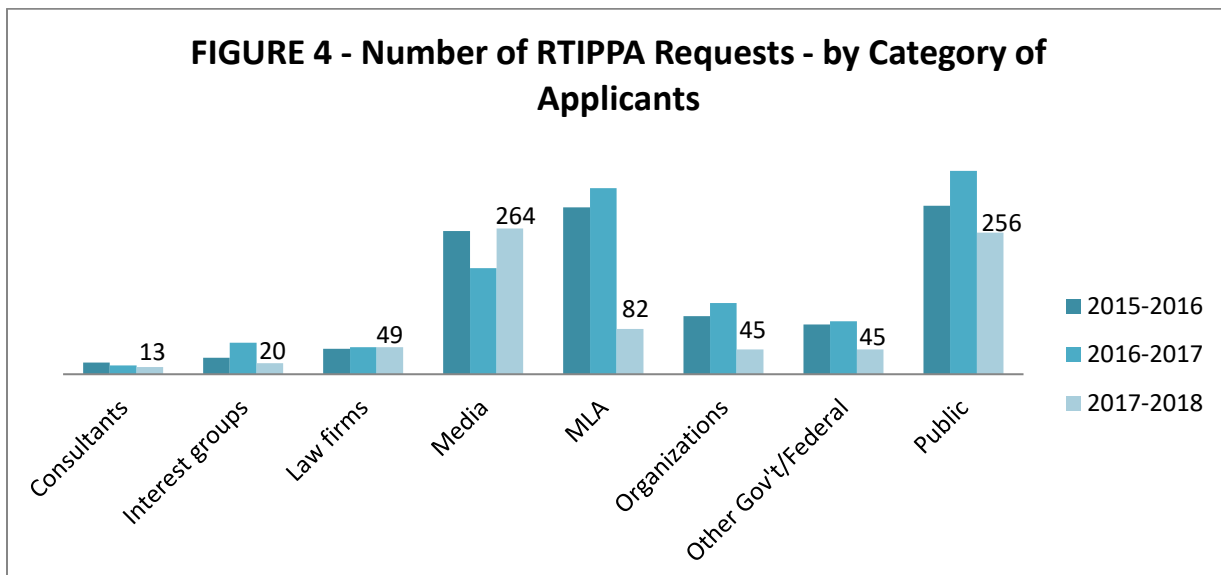
TYPE OF REQUESTS

Most *RTIPPA* requests in 2017-2018 were for general information at 705 requests (91% of total requests). There were 67 requests for personal information (almost 9% of total requests) and 2 requests (less than 1% of total requests) to correct personal information.



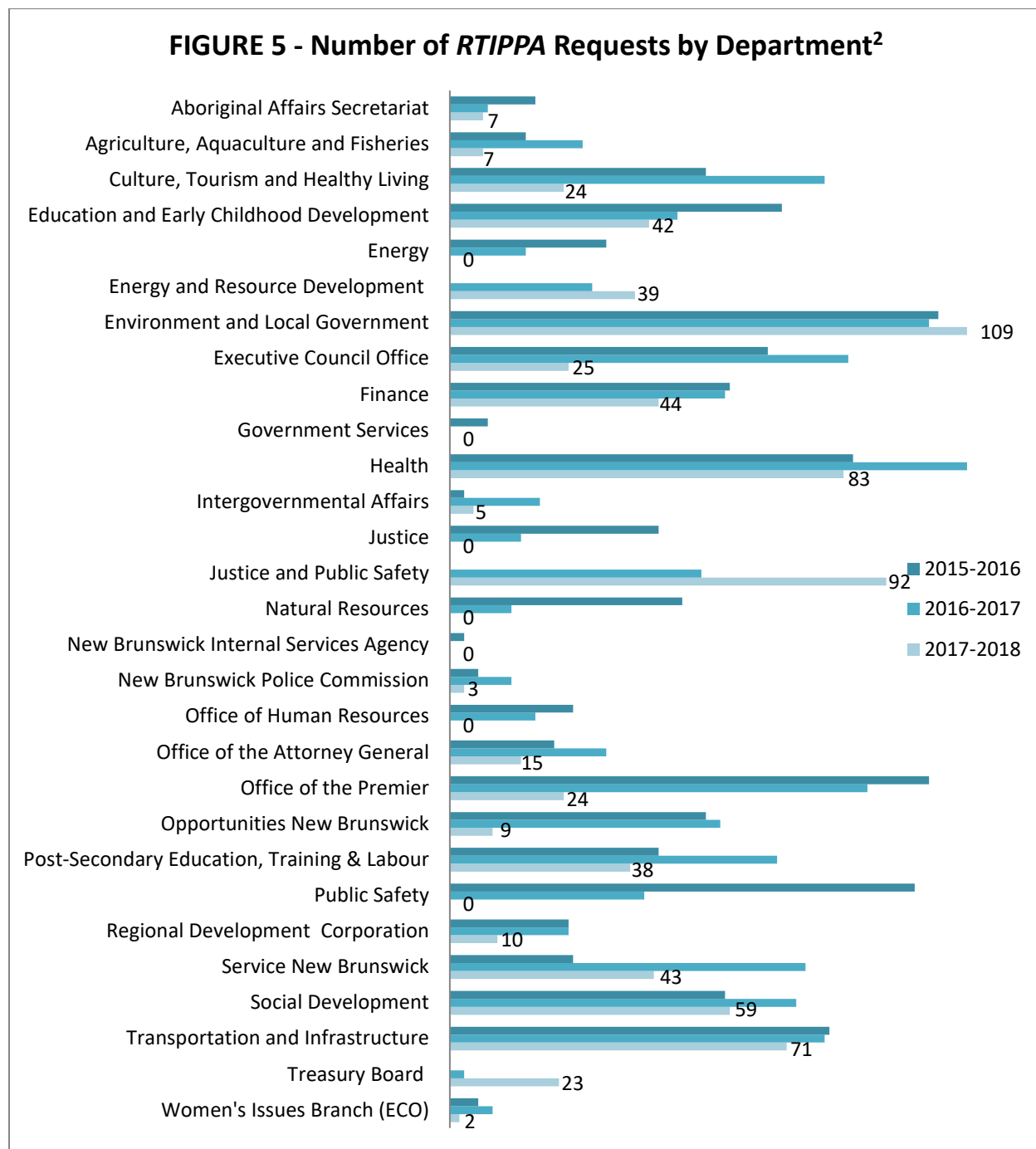
APPLICANTS

In 2017-2018, the media submitted the most *RTIPPA* requests to departments of any category of applicant (264 requests or 34% of total requests). Members of the public submitted the second most requests (256 or 33% of total requests), followed by the members of the Legislative Assembly (82 requests or almost 11% of total requests).



RESPONDENTS

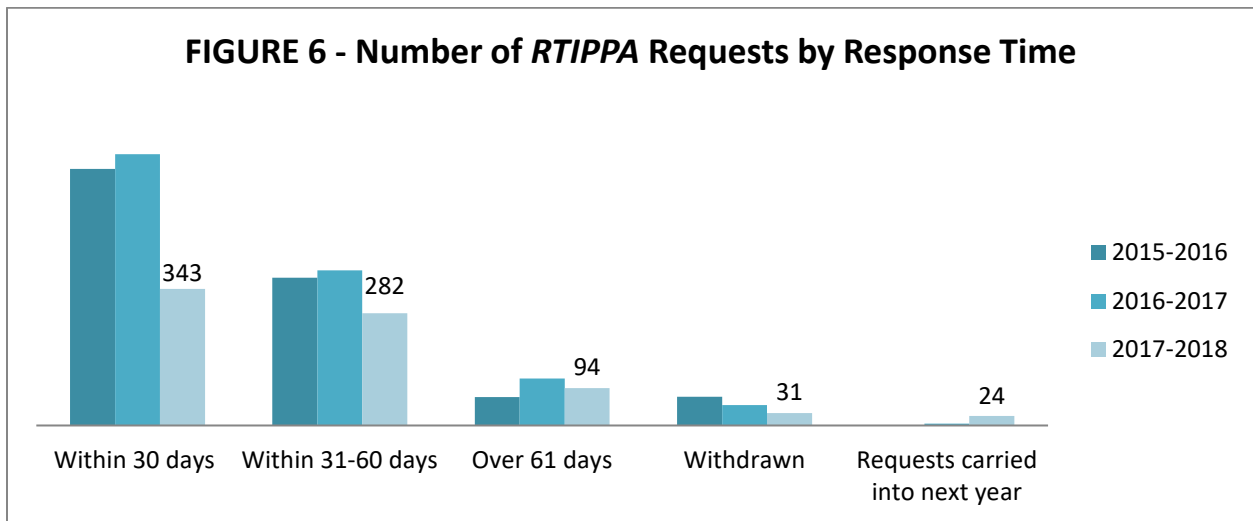
The Department of Environment and Local Government received the most *RTIPPA* requests of any department at 109 requests (almost 14% of total requests), followed by Justice and Public Safety at 92 requests (almost 12% of total requests) and the Department of Health at 83 requests (almost 11% of total requests). These three departments received almost 37% of the total requests.



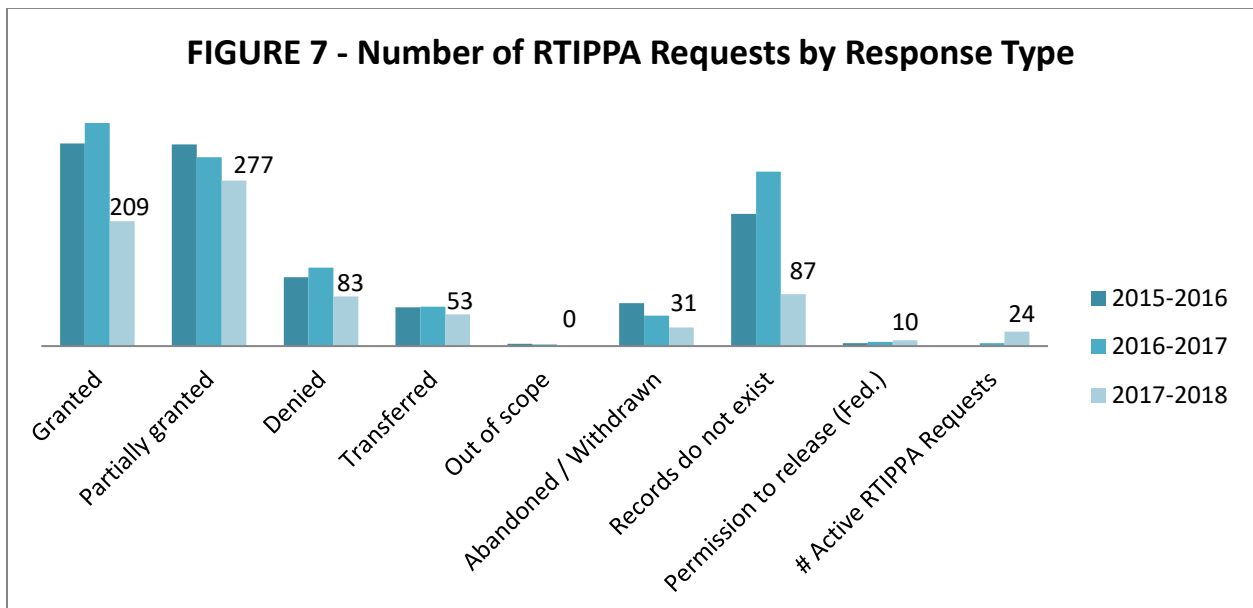
² Departments which received no *RTIPPA* requests in 2017-2018, but received requests in the previous two fiscal years, are departments that were merged with other departments and renamed (e.g., the Dept. of Energy and the Dept. of Natural Resources became the Dept. of Energy and Resource Development; New Brunswick Internal Services Agency, Government Services and Service New Brunswick became Service New Brunswick).

RESPONSES TO *RTIPPA* REQUESTS

In 2017-2018, departments responded to 343 *RTIPPA* requests (44% of total requests) within 30 days of receipt, 282 requests (36% of total requests) within 31 to 60 days of receipt and 94 requests (12% of total requests) more than 60 days after the date of receipt. Some requests were withdrawn (31 requests, 4% of total requests). Twenty-four (24) requests were carried over into the next year.



Departments partially or fully granted 486 *RTIPPA* requests (63% of total requests). A total of 171 requests (22% of total requests) were either abandoned, withdrawn, transferred, out of scope or requesting records which did not exist. Access to information was denied for 83 requests (11% 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 sections 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 indicating reliance on these sections.

In 2017-2018, section 21 regarding unreasonable invasion of third party's privacy was relied on the most (168 times), followed by section 22, disclosure harmful to a third party's business or financial interests (95 times) and section 26, advice to public body (91 times).

TABLE 1 – Number of *RTIPPA* Requests Relying on Specified Sections of *RTIPPA* to Sever or Withhold Requested Information

Section	Explanation	Number of Times Applied		
		2015-2016	2016-2017	2017-2018
4	Records to which this Act applies (out of scope)	29	14	17
12	Application deemed abandoned	4	5	0
13	Transferring a request for access	10	7	3
14	Contents of response (record does not exist or cannot be located)	25	64	5
15	Power to authorize a head to disregard requests	0	0	0
17	Executive Council confidences	59	48	53
18	Information provided in confidence to a government	18	24	11
19	Information provided by a council of the band	0	0	1
20	Information from a harassment, personal or university investigation	9	7	10
21	Unreasonable invasion of third party's privacy	169	221	168
22	Disclosure harmful to third party's business or financial	49	106	95
23	Disclosure harmful to government relations	13	5	6
24	Disclosure harmful to relations between NB and a council of the band	2	0	1
25	Local public body confidences	3	2	1
26	Advice to public body	119	125	91
27	Legal privilege	65	45	36
28	Disclosure harmful to an individual or to public safety or in the public interest	8	3	10
29	Disclosure harmful to law enforcement or legal proceedings	22	12	8
30	Disclosure harmful to economic and other interest of a public body	11	27	40
31	Test, testing procedures and audits	1	0	3
32	Confidential evaluations	0	6	0
33	Information that is or will be available to the public	22	22	21

COMPLAINTS AND REFERRALS BY APPLICANTS UNDER *RTIPPA*

If applicants are not satisfied with a response to their information 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 on complaints filed with the Commissioner, please see the Commissioner's annual reports which can be found at ww.ombudnb-aip-aivp.ca

CONTACT INFORMATION

For more information regarding access to information and privacy, please contact:

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