

RIGHT TO INFORMATION

2008 – 2009 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. The committee's report was tabled in April 2009.

Bill 89 – *Right to Information and Protection of Privacy Act* was subsequently introduced in the Legislature on May 29, 2009 and given Royal Assent on June 19, 2009.

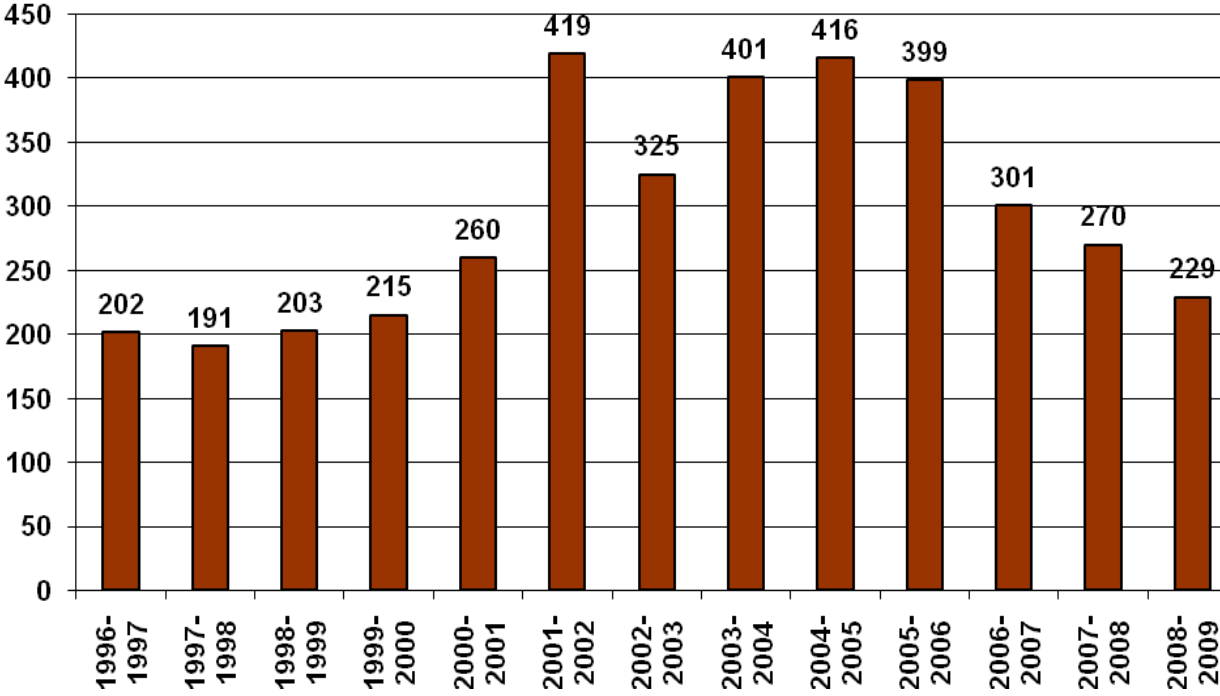
In 2008-2009, the *Right to Information Act* web pages (French and English) of the on-line service directory were visited 3,203 times.

In June 2008, the 4th annual Atlantic Canada Access and Privacy Workshop was held in Moncton, New Brunswick.

Number of requests made to the New Brunswick Government

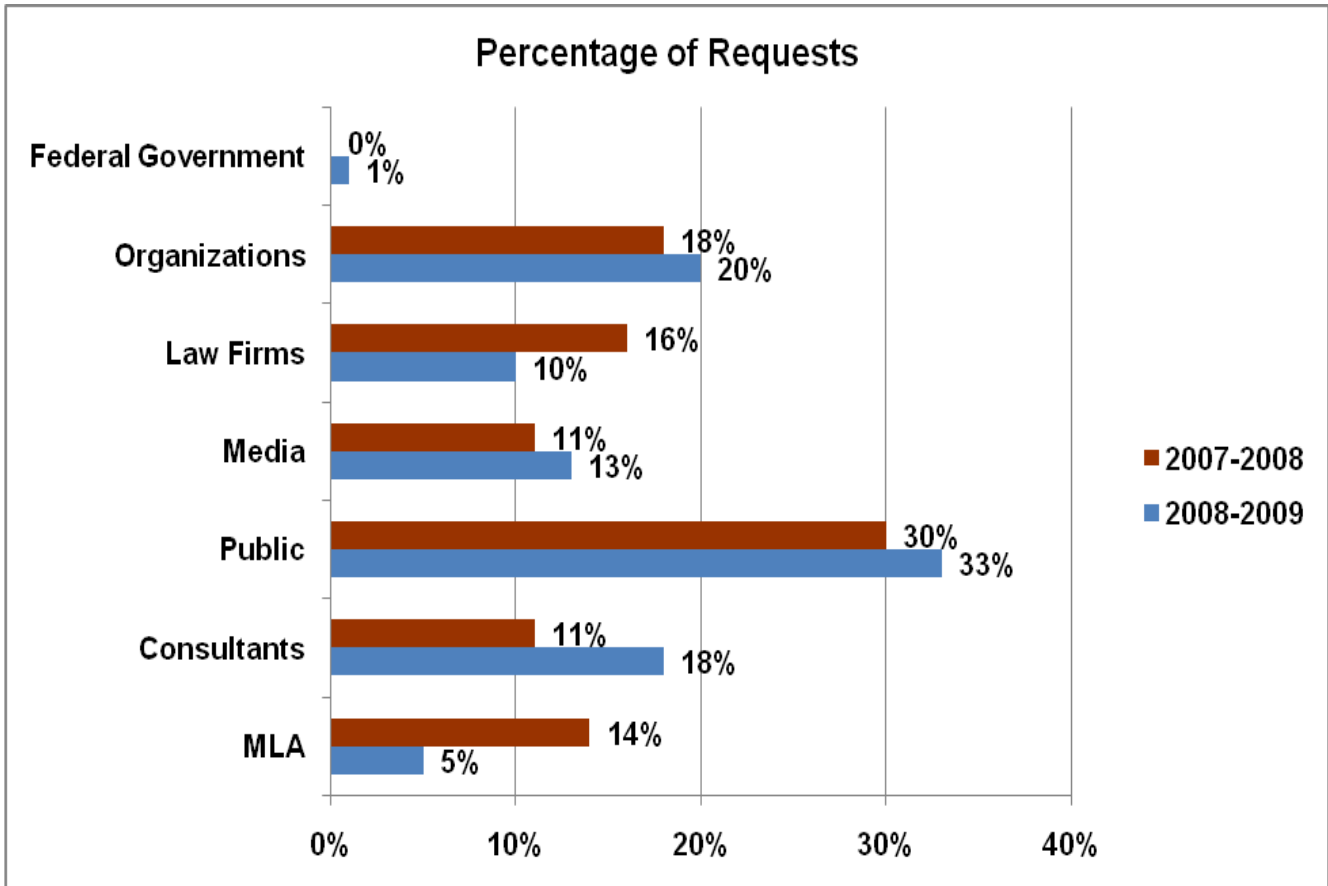
Government routinely makes information available to the public. The *Right to Information Act* (RTIA) is used when information cannot be accessed through normal channels. In 2008-2009, 229 requests were received by public bodies.

Number of RTIA Requests since April 1996



Who made RTIA Requests

In 2008-2009, 33 % of the requests were from the public, followed by the organizations with 20 % and consultants with 18 %. The remaining 29 % of the requests were from media (13 %), law firms (10 %), Members of the Legislative Assembly (5%) and the federal government (1 %).

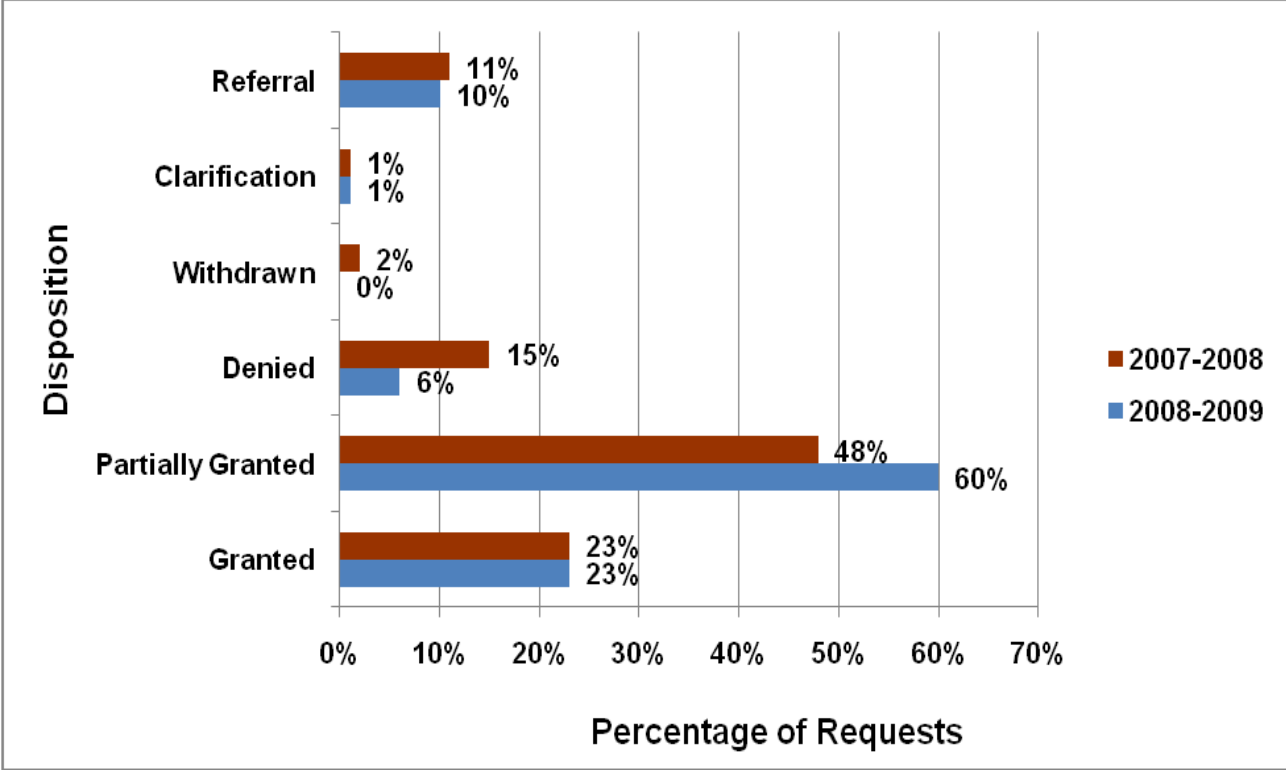


Who made RTIA Requests by Public Bodies

PUBLIC BODIES	MLA's	CONSULTANTS	PUBLIC	MEDIA	LAW FIRMS	ORGANIZATIONS	FEDERAL GOVT	TOTAL
Aboriginal Affairs Secretariat	-	-	-	1	-	-	-	1
Agriculture and Aquaculture	-	-	-	-	-	-	-	0
Business New Brunswick	-	-	2	2	2	2	-	8
Education	2	-	9	3	2	3	-	19
Energy	2	-	1	3	-	4	-	10
Environment	-	41	16	3	9	8	-	77
Executive Council Office	-	-	-	-	-	1	-	1
Fisheries	-	-	1	-	-	-	-	1
Social Development	-	-	3	1	-	6	-	10
Finance	-	-	3	2	-	-	-	5
Health	1	-	9	2	1	3	-	16
Intergovernmental Affairs	-	-	-	-	-	-	2	2
Justice and Consumer Affairs and Attorney General	-	-	3	-	3	1	-	7
Local Government	-	-	3	1	-	-	-	4
Natural Resources	-	-	6	3	2	4	-	15
Office of Human Resources	-	-	-	-	-	-	-	0
Office of the Premier	-	-	1	2	-	1	-	4
Post-Secondary Education, Training and Labour	-	-	3	1	-	1	-	5
Public Safety	1	-	7	4	1	8	-	21
Regional Development Corporation	2	-	1	1	-	1	-	5
Regional Health Authorities	-	-	2	-	-	-	-	2
Service New Brunswick	-	-	1	-	-	-	-	1
Seniors and Housing	-	-	-	-	-	-	-	0
Supply and Services	1	-	2	-	-	-	-	3
Tourism and Parks	-	-	-	-	-	-	-	0
Transportation	2	-	4	1	2	3	-	12
TOTALS	11	41	77	30	22	46	2	229

How RTIA Requests were Processed

In 2008-2009, public bodies disclosed or partially disclosed information 83 % of the time; 11 % of requests were either withdrawn, referred or required clarification. The remaining 6 % of the requests were denied.

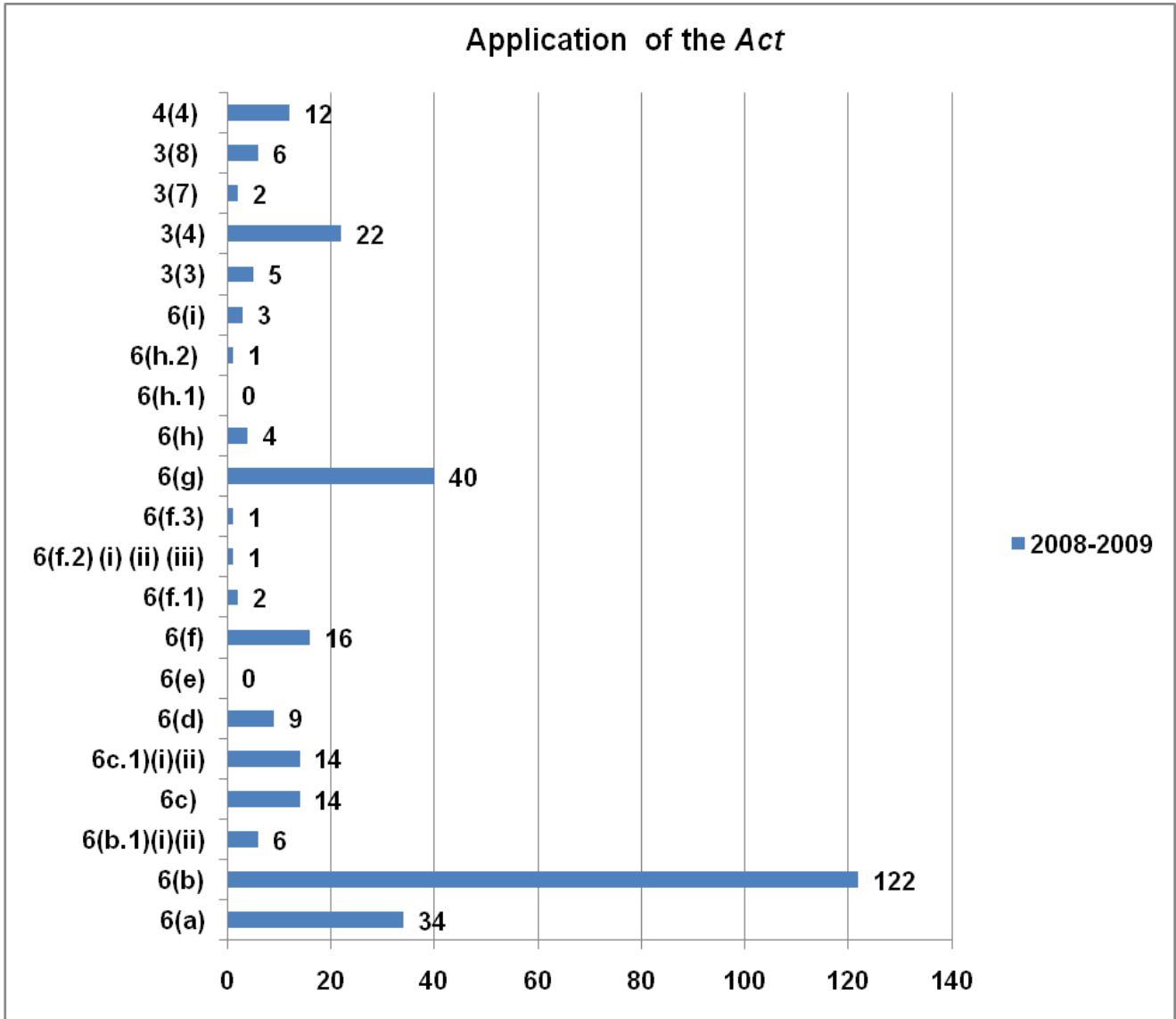


How RTIA Requests were Processed by Public Bodies

PUBLIC BODIES	GRANTED	PARTIALLY GRANTED	DENIED	WITHDRAWN	CLARIFICATION	REFERRAL	ARCHIVES	TOTAL
Aboriginal Affairs Secretariat	1	-	-	-	-	-	-	1
Agriculture and Aquaculture	-	-	-	-	-	-	-	0
Business New Brunswick	-	5	-	-	-	3	-	8
Education	4	15	-	-	-	-	-	19
Energy	1	5	1	-	-	3	-	10
Environment	24	51	1	-	-	1	-	77
Executive Council Office	-	1	-	-	-	-	-	1
Fisheries	-	1	-	-	-	-	-	1
Social Development	5	4	1	-	-	-	-	10
Finance	-	1	2	-	-	2	-	5
Health	2	5	2	-	1	6	-	16
Intergovernmental Affairs	2	-	-	-	-	-	-	2
Justice and Consumer Affairs and Attorney General	-	3	3	-	1	-	-	7
Local Government	3	1	-	-	-	-	-	4
Natural Resources	-	11	-	-	1	3	-	15
Office of Human Resources	-	-	-	-	-	-	-	0
Office of the Premier	-	3	-	-	-	1	-	4
Post-Secondary Education, Training and Labour	-	4	-	-	-	1	-	5
Public Safety	6	13	2	-	-	-	-	21
Regional Development Corporation	1	4	-	-	-	-	-	5
Regional Health Authorities	-	2	-	-	-	-	-	2
Service New Brunswick	-	-	-	-	1	-	-	1
Seniors and Housing	-	-	-	-	-	-	-	0
Supply and Services	-	2	-	-	-	1	-	3
Tourism and Parks	-	-	-	-	-	-	-	0
Transportation	3	7	1	-	-	1	-	12
TOTALS	52	138	13	1	3	22	0	229

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.

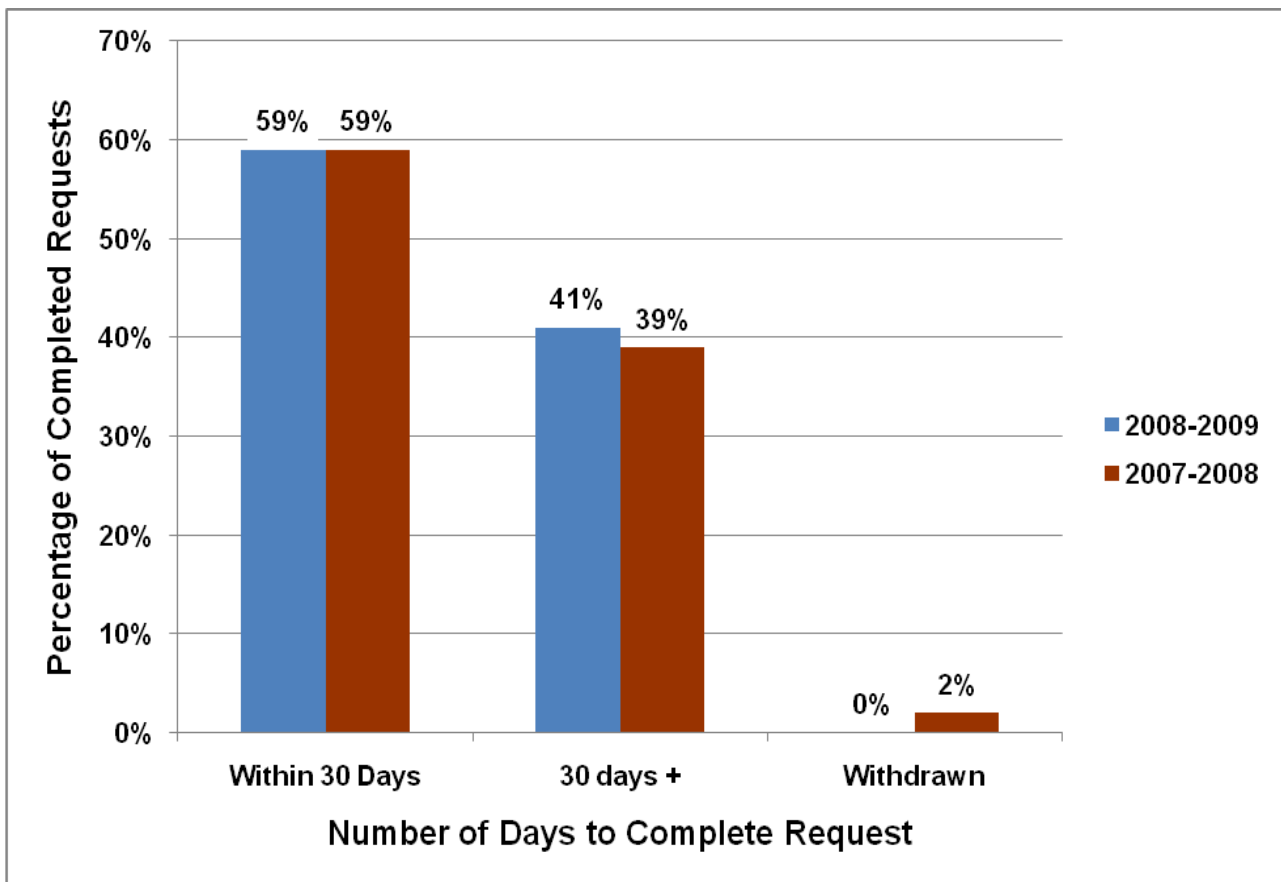


How the Act was Applied by Public Bodies

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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Business New Brunswick	-	2	-	3	2	-	-	1	-	-	-	3	-	-	-	-	-	3	-	-	-	1
Education	2	13	2	2	1	2	-	3	1	1	1	6	-	-	-	-	-	-	-	1	3	
Energy	3	4	-	2	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	1	
Environment	7	50	-	-	-	-	-	2	-	-	-	7	-	-	-	-	-	1	-	-	4	
Executive Council Office	1	1	-	-	-	-	-	1	-	-	-	1	-	-	-	-	-	1	-	-	-	
Fisheries	1	1	-	-	-	1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	
Social Development	3	3	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	
Finance	2	-	-	-	-	-	-	-	-	-	-	3	1	-	-	-	-	3	-	2	-	
Health	5	5	-	1	1	-	-	2	-	-	-	2	-	-	-	-	2	5	-	1	-	
Intergovernmental Affairs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Justice and Consumer Affairs and Attorney General	3	3	4	-	-	-	-	2	-	-	-	1	-	-	-	-	1	1	-	-	1	
Local Government	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Natural Resources	1	11	-	-	2	-	-	1	-	-	-	5	2	-	-	1	1	2	1	1	-	
Office of Human Resources	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Office of the Premier	1	2	-	-	-	1	-	1	-	-	-	2	-	-	-	-	-	2	-	-	-	
Post-Secondary Education, Training and Labour	-	4	-	-	1	1	-	1	-	-	-	1	1	-	-	-	-	1	-	-	-	
Public Safety	2	10	-	1	-	2	-	1	1	-	-	2	-	-	1	-	-	-	-	-	1	
Regional Development Corporation	2	2	-	2	4	2	-	-	-	-	-	2	-	-	-	2	-	-	-	-	-	
Regional Health Authorities	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Service New Brunswick	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Seniors and Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Supply and Services	-	2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
Tourism and Parks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Transportation	1	6	-	3	-	-	-	-	-	-	-	1	-	-	-	-	1	1	-	-	1	
TOTALS	34	122	6	14	14	9	0	16	2	1	1	40	4	0	1	3	5	22	2	6	12	

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 2008-2009, 59 % of the requests received were completed within the 30-day timeframe while 41 % required more time to respond.



Response Times by Public Bodies

Public Bodies	Within 30-day	30-day +	Withdrawn	Total
Aboriginal Affairs Secretariat	-	1	-	1
Agriculture and Aquaculture	-	-	-	0
Business New Brunswick	7	-	-	7
Education	7	12	-	19
Energy	10	-	-	10
Environment	20	57	-	77
Executive Council Office	1	-	-	1
Fisheries	1	-	-	1
Social Development	8	2	-	0
Finance	5	-	-	5
Health	3	13	-	16
Intergovernmental Affairs	2	-	-	2
Justice and Consumer Affairs and Attorney General	7	-	-	7
Local Government	4	-	-	4
Natural Resources	15	-	-	15
Office of Human Resources	-	-	-	0
Office of the Premier	4	-	-	4
Post-Secondary Education, Training and Labour	3	2	-	5
Public Safety	20	1	-	21
Regional Development Corporation	5	-	-	5
Regional Health Authorities	-	2	-	2
Service New Brunswick	-	-	1	1
Seniors and Housing	-	-	-	0
Supply and Services	2	1	-	3
Tourism and Parks	-	-	-	0
Transportation	10	2	-	12
Total	134	94	1	229

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 2008 – 2009, there were 7 petitions to the Ombudsman and no court referrals.

2008 – 2009 Outcomes of Total Reviews

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

2008 –2009 Outcomes of Petitions to the Ombudsman

Public Bodies	Applicant	Topic	Disposition	Act	Petition	Outcome
Education	Public	French Second Language Programs	Granted	N/A	Ombudsman	Withdrawn
Finance	Media	Financial Updates	Denied	6(a), 6(g)	Ombudsman	Partially Reversed
Public Safety	Public	Investigation	Partially Granted	6(b)	Ombudsman	Withdrawn
Public Safety	Media	Enhanced Drivers' Licences	Denied	6(c), 6(g)	Ombudsman	Withdrawn
Public Safety	Public	Investigation	Partially Granted	6(b)	Ombudsman	Upheld
Social Development	Organization	Nursing Homes	Partially Granted	6(a), 6(b)	Ombudsman	Withdrawn
Social Development	Organization	Early Learning and Child Care	Partially Granted	6(g)	Ombudsman	Withdrawn