

Right to Information

2011-2012 Annual Report

Department of Government Services

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**2011-2012 Annual Report
Right to Information**

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INTRODUCTION

The *Right to Information and Protection of Privacy Act* (RTIPPA) is new 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.

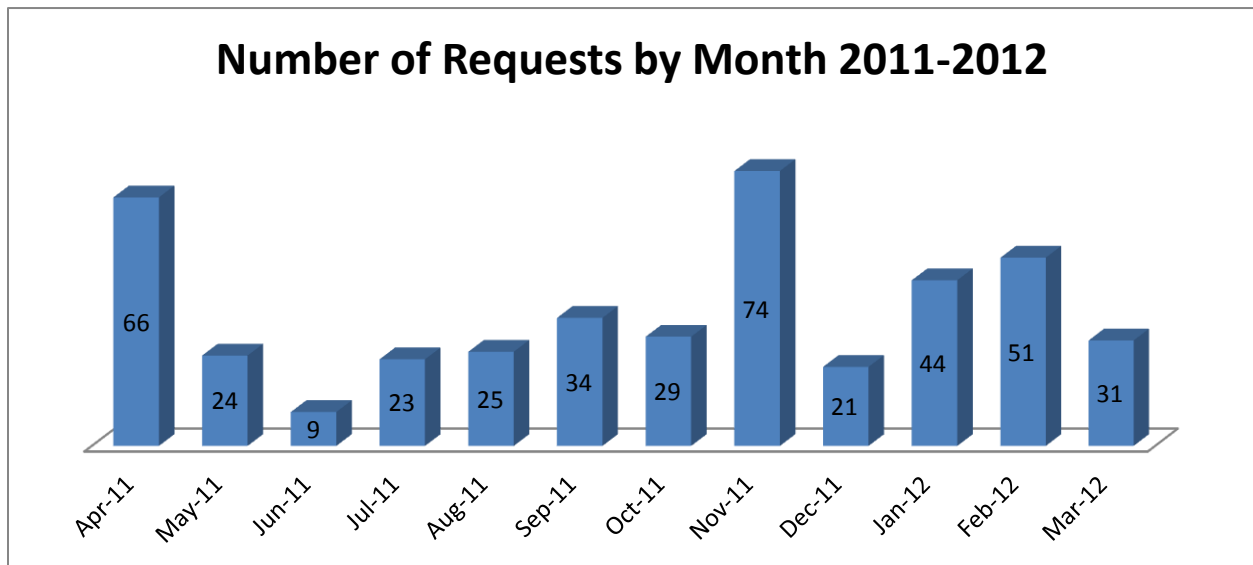
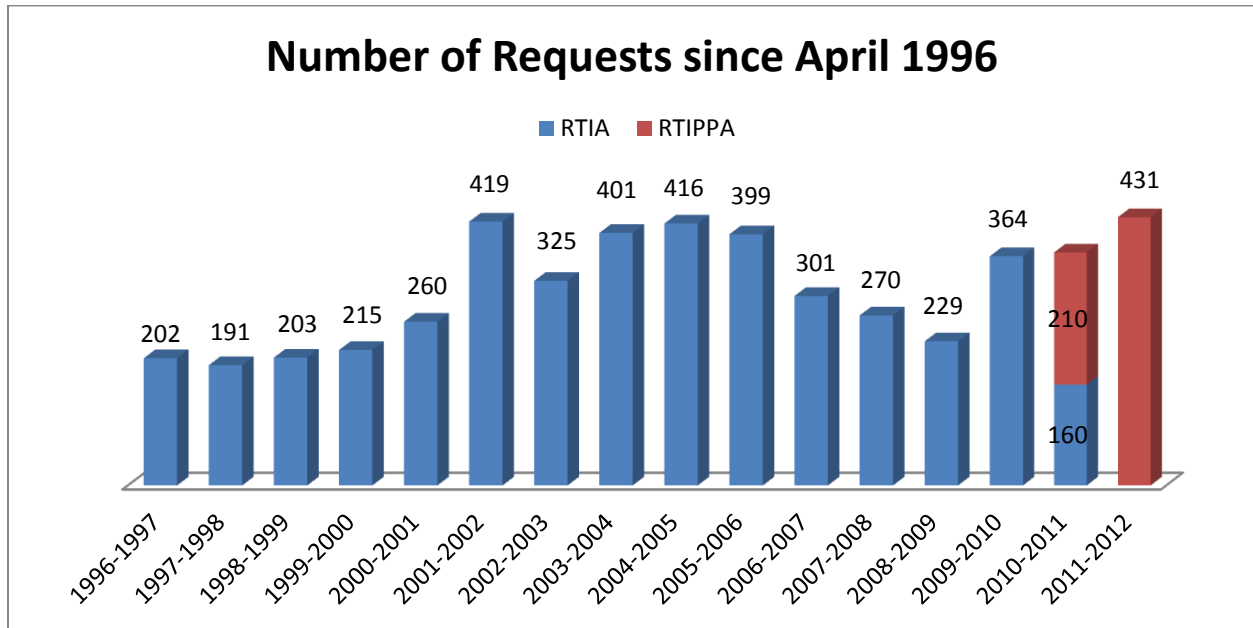
The Act applies to most publicly-funded bodies within the New Brunswick provincial public sector. Public bodies subject to RTIPPA include: the Provincial civil service, schools (K-12), health authorities, crown corporations, community colleges, universities, municipalities, municipal police forces, and 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 2011 to March 31st 2012. 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 2011-2012, public bodies received a total of 431 requests for information; that is an increase of 61 requests or 16.5% from the previous year.

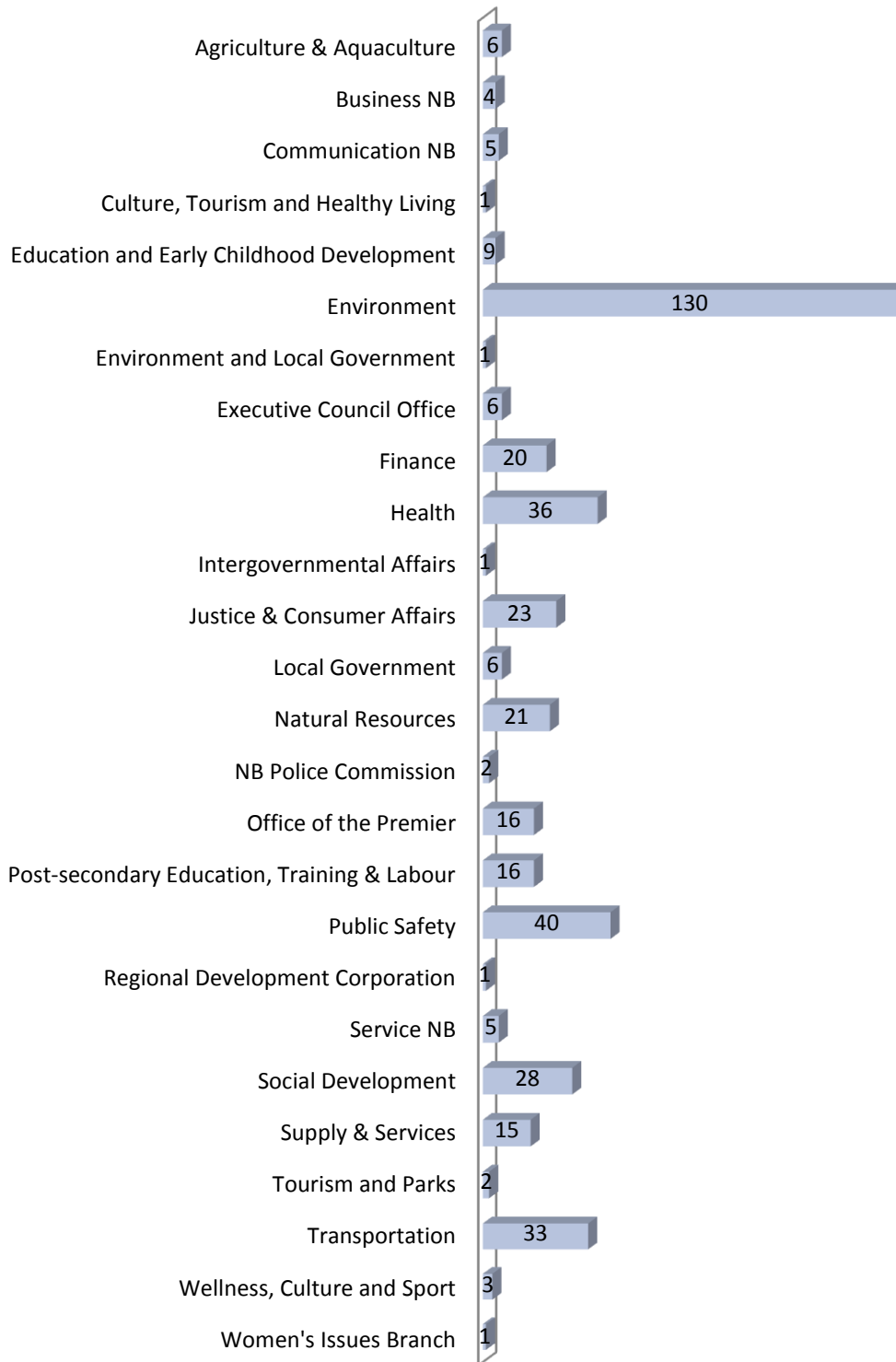


NUMBER OF REQUESTS RECEIVED UNDER RTIPPA

Between April 1st 2011 and March 31st 2012, public bodies received a total of 431 requests. The Department of Environment had the most requests with 130 which amounts to 30% 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 Public Safety was next with 40 requests (9%) and the Department of Health came in 3rd with 36 (8%) requests.

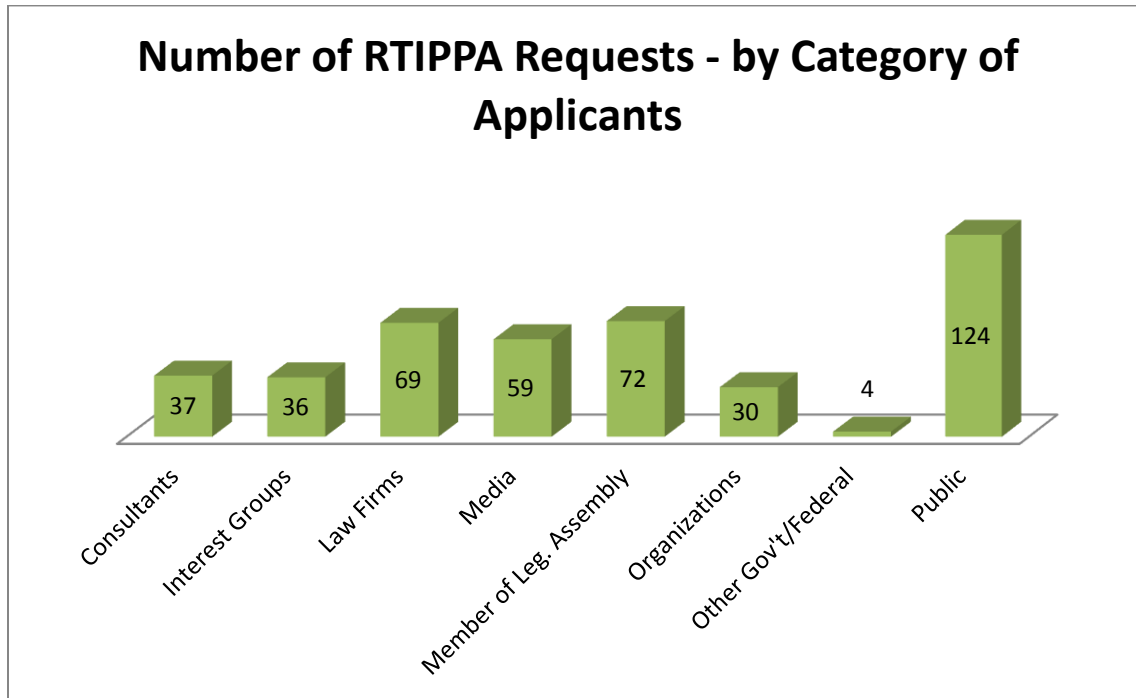
Public Body	Requests
Agriculture & Aquaculture	6
Business NB	4
Communication NB	5
Culture, Tourism and Healthy Living	1
Education and Early Childhood Development	9
Environment	130
Environment and Local Government	1
Executive Council Office	6
Finance	20
Health	36
Intergovernmental Affairs	1
Justice & Consumer Affairs	23
Local Government	6
Natural Resources	21
NB Police Commission	2
Office of the Premier	16
Post-secondary Education, Training & Labour	16
Public Safety	40
Regional Development Corporation	1
Service NB	5
Social Development	28
Supply & Services	15
Tourism and Parks	2
Transportation	33
Wellness Culture and Sport	3
Women's Issues Branch	1
TOTAL	431

Number of RTIPPA Requests - by Public Body



NUMBER OF RTIPPA REQUESTS – BY CATEGORY OF APPLICANTS

From April 1st 2011 to March 31st 2012, 124 requests (29%) were submitted by the public, followed by member of Leg. Assembly with 72 (17%), Law Firms with 69 (16%), Media with 59 (14%), Consultants with 37 (9%), Interest Groups with 36 (8%), Organizations with 30 (7%) and Other Government / Federal with 4 (1%).

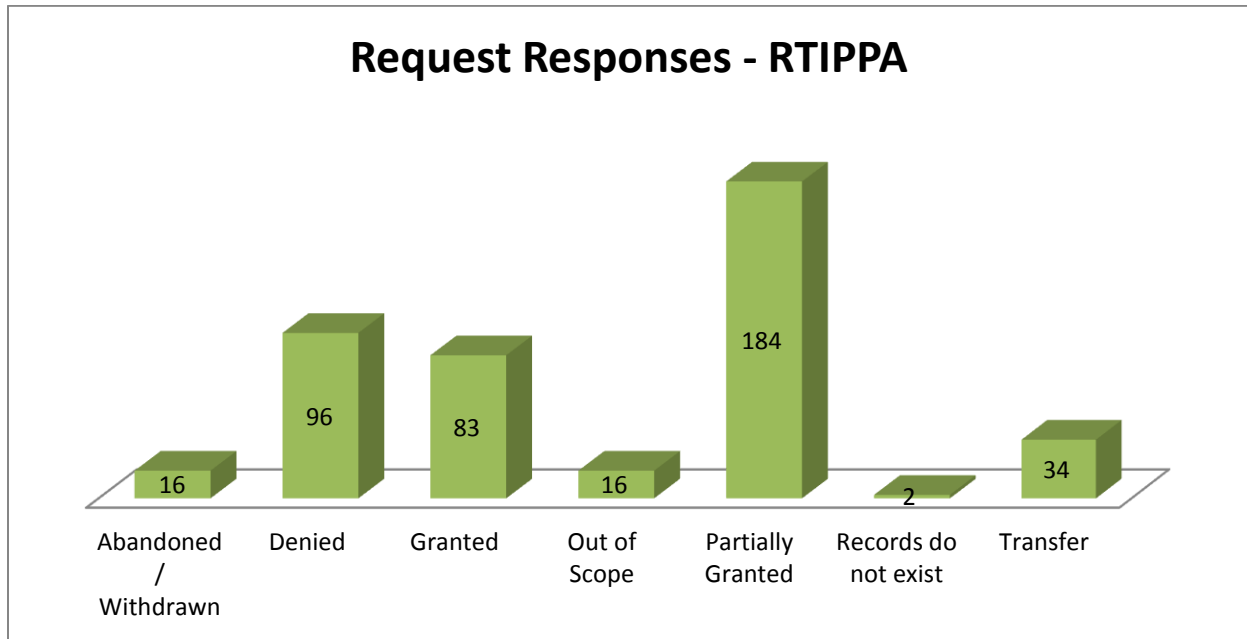


CATEGORIES OF APPLICANTS – BY PUBLIC BODY

	Consultants	Public	Other Gov't / Federal	MLAs	Organizations	Media	Law Firms	Interest Groups
Agriculture & Aquaculture	-	2	-	2	2	-	-	-
Business NB	-	1	-	-	1	1	-	1
Communications NB	-	1	-	1	-	3	-	-
Culture, Tourism and Healthy Living	-	-	-	1	-	-	-	-
Education and Early Childhood Development	-	5	1	3	-	-	-	-
Environment	31	14	-	10	15	2	52	6
Executive Council Office	-	-	-	4	1	1	-	-
Finance	1	2	-	7	-	4	-	6
Health	1	17	1	11	-	5	1	-
Intergovernmental Affairs	-	-	-	-	-	-	-	1
Justice & Consumer Affairs	-	16	-	2	2	1	2	-
Local Government	-	3	1	-	-	2	-	-
Natural Resources	1	6	-	8	1	2	-	3
NB Police Commission	-	2	-	-	-	-	-	-
Office of the Premier	-	1	-	8	3	4	-	-
Post-secondary Education, Training & Labour	-	11	-	1	-	2	1	1
Public Safety	1	10	-	1	-	8	5	15
Regional Development Corporation	-	-	-	1	-	-	-	-
Service NB	-	1	-	1	-	3	-	-
Social Development	-	14	-	1	1	11	1	-
Supply & Services	1	6	-	3	2	-	1	2
Transportation	1	10	1	4	-	10	6	1
Tourism and Parks	-	1	-	1	-	-	-	-
Wellness, Culture and Sport	-	1	-	2	-	-	-	-
Women's Issues Branch	-	-	-	-	1	-	-	-
TOTAL	37	124	4	72	30	59	69	36

REQUEST RESPONSES – RTIPPA

Public bodies disclosed or partially disclosed information 62% of the time. A total of 66 requests (16%) were either withdrawn, transferred, out of scope or did not exist. Access to information was denied on 96 (22%) occasions.

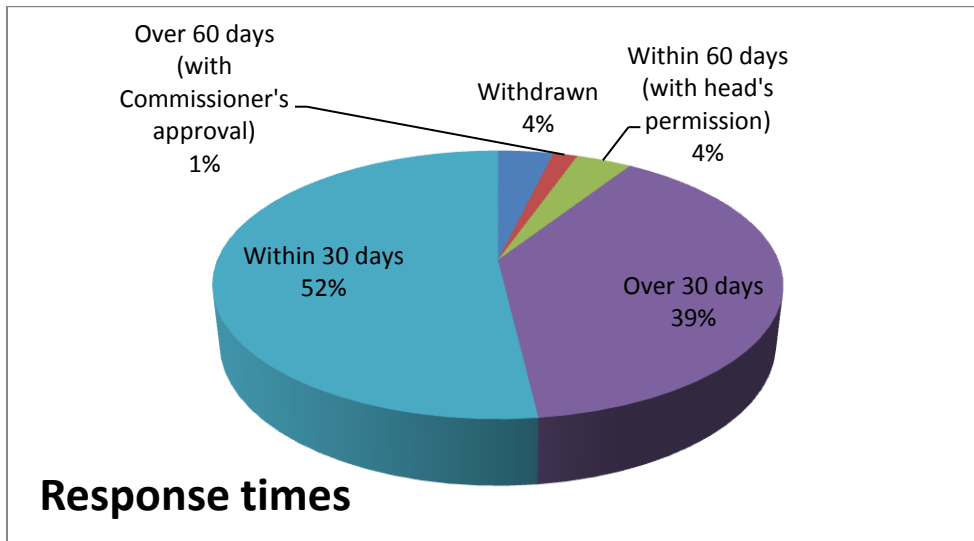
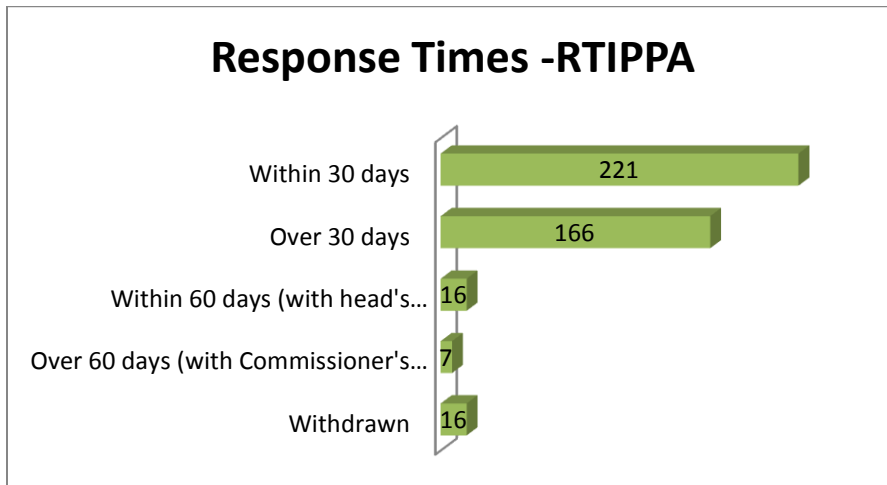


RTIPPA REQUEST RESPONSES – BY PUBLIC BODY

	Granted	Partially granted	Denied	Withdrawn / Abandoned	Transfer	Records do not exist	Out of Scope	Total
Agriculture & Aquaculture	3	3	-	-	-	-	-	6
Business NB	2	-	1	-	1	-	-	4
Communications NB	4	-	1	-	-	-	-	5
Culture, Tourism and Healthy Living	-	1	-	-	-	-	-	1
Education and Early Childhood Development	4	1	-	1	3	-	-	9
Environment	6	105	14	4	1	-	-	130
Environment and Local Government	-	1	-	-	-	-	-	1
Executive Council Office	-	-	6	-	-	-	-	6
Finance	6	2	7	-	4	-	1	20
Health	10	9	6	1	5	-	5	36
Intergovernmental Affairs	1	-	-	-	-	-	-	1
Justice & Consumer Affairs	-	3	19	1	-	-	-	23
Local Government	1	-	4	-	1	-	-	6
Natural Resources	3	8	4	1	2	1	2	21
NB Police Commission	-	1	-	-	-	-	1	2
Office of the Premier	2	1	6	-	6	-	1	16
Post-secondary Education, Training & Labour	5	3	2	-	1	-	5	16
Public Safety	11	12	12	1	4	-	-	40
Regional Development Corporation	-	1	-	-	-	-	-	1
Service NB	1	1	1	-	2	-	1	15
Social Development	6	13	8	-	-	1	-	28
Supply & Services	4	7	-	1	2	-	1	15
Tourism and Parks	1	1	-	-	-	-	-	2
Transportation	11	9	5	6	2	-	-	33
Wellness, Culture and Sport	1	2	-	-	-	-	-	3
Women's Issues Branch	1	-	-	-	-	-	-	1
TOTAL	83	184	96	16	34	2	16	431

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	19
12	Application deemed abandoned	1
13	Transferring a request for access	3
14	Contents of response (Record does not exist or can't be located)	22
17	Executive Council confidences	21
18	Information provided in confidence to a government	1
20	Information from a harassment, personal or university investigation	5
21	Unreasonable invasion of third party's privacy	50
22	Disclosure harmful to a third party's business or financial interests	10
23	Discretionary exceptions to disclosure / Disclosure harmful to governmental relations	1
26	Advice to public body	11
27	Legal privilege	2
29	Disclosure harmful to law enforcement or legal proceedings	2
33	Information that is or will be available to the public	1

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.