

*Right to Information and
Protection of Privacy*

2016-2017 Annual Report

June 2018

Treasury Board

2016-2017 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 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.

The Information Access and Privacy Unit in Treasury Board is responsible for the centralized administration of *RTIPPA*.¹

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, 2016 to March 31, 2017.

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,

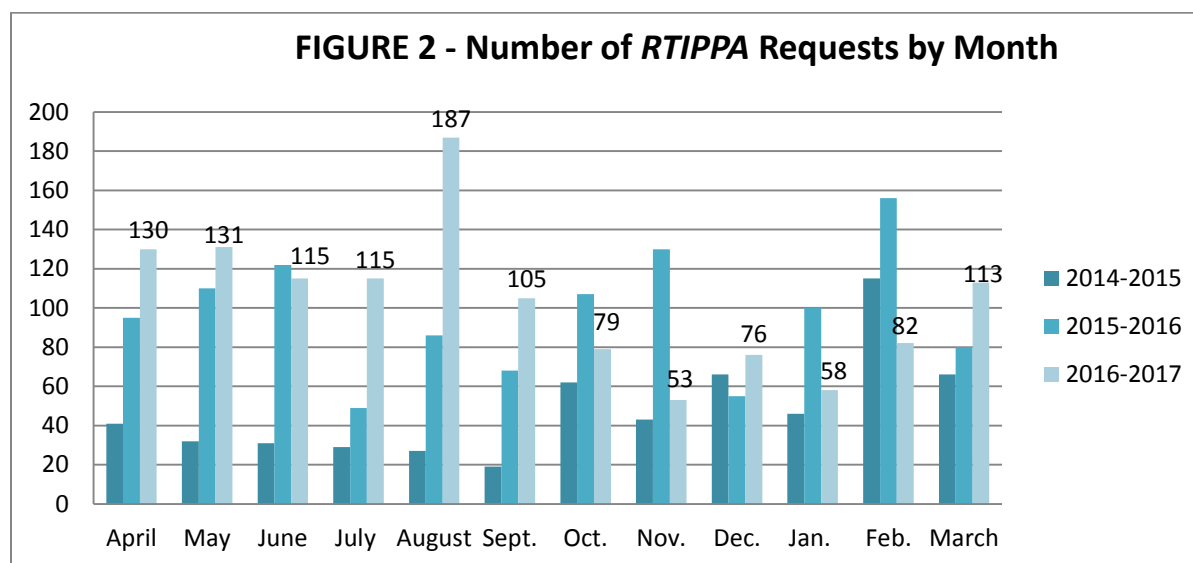
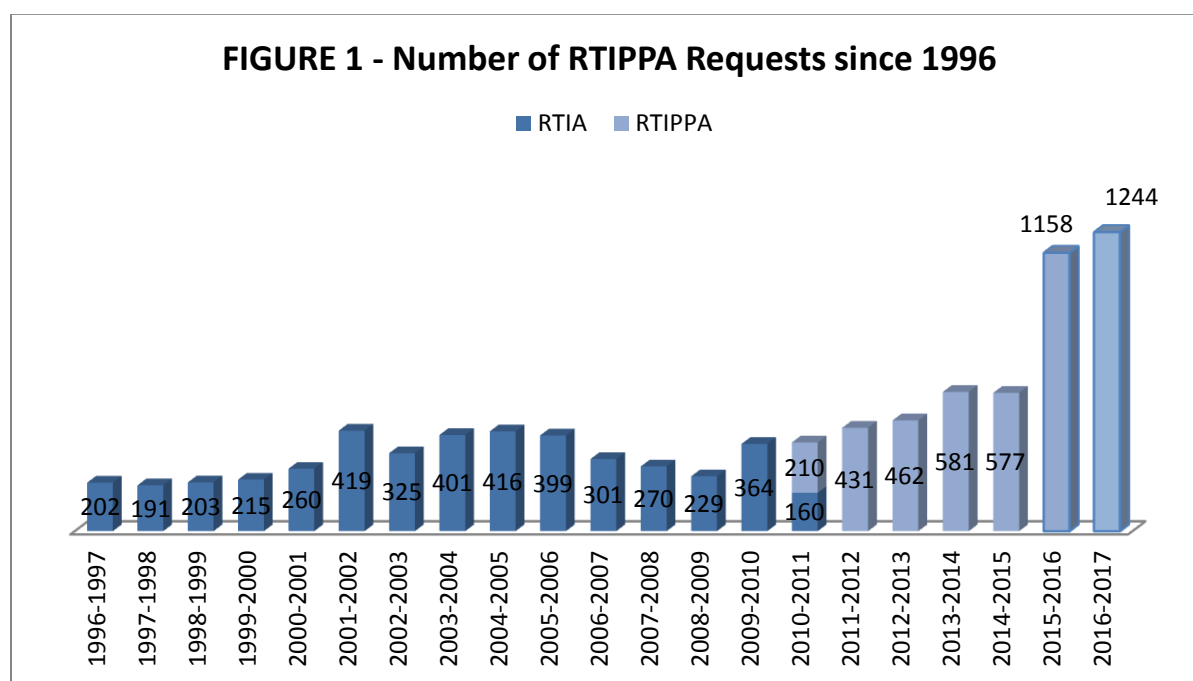
¹ As of April 26, 2016, the Information Access and Privacy Unit was transferred to the newly created Treasury Board. With this, the centralized responsibility of *RTIPPA* was also transferred.

retention and security of personal information. *RTIPPA* gives individuals the right to correct personal information about themselves held or controlled by public bodies.

RIGHT TO INFORMATION REQUESTS

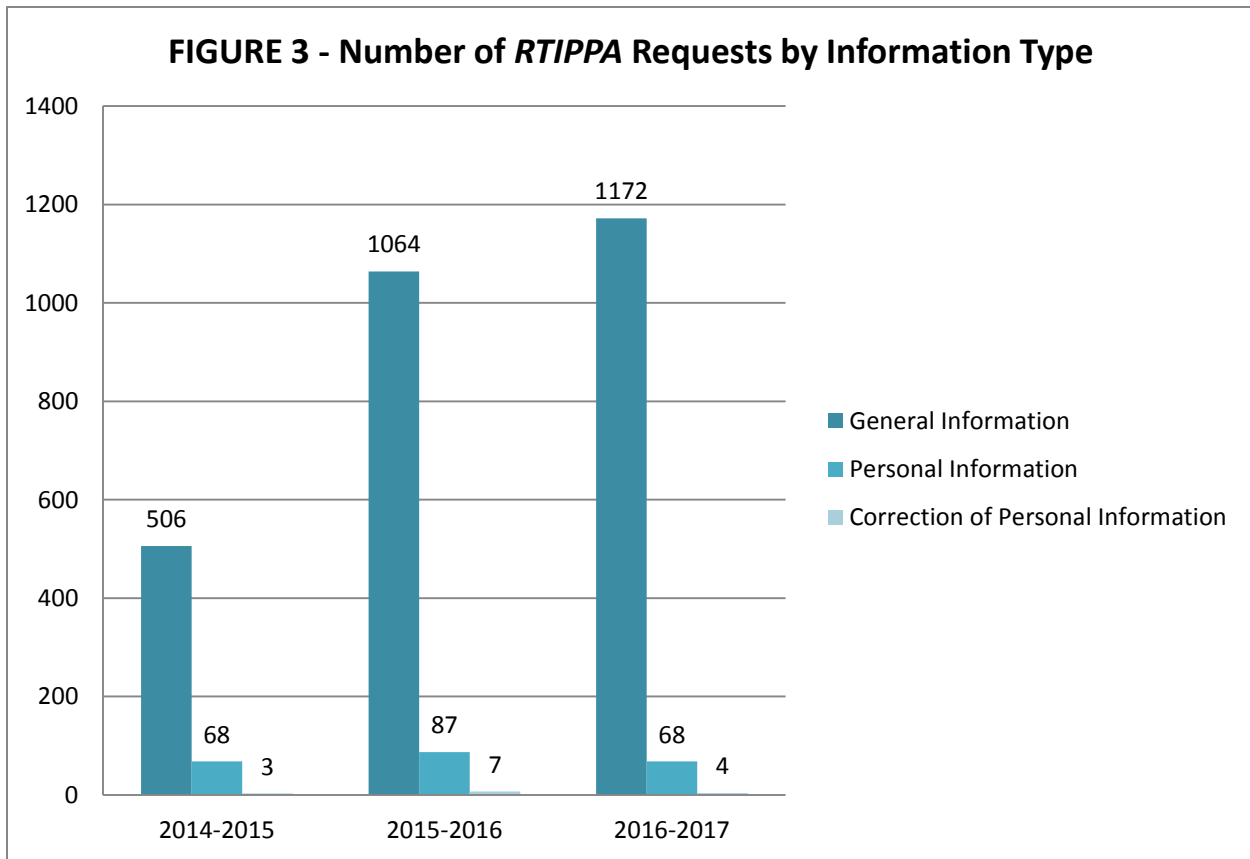
NUMBER OF REQUESTS

In 2016-2017, departments received a total of 1244 *RTIPPA* requests. This is an increase of 7% compared to the total requests received in 2015-2016. The greatest number of requests, 187 (15% of total requests), was received in August followed by 131 requests (almost 11% of total requests) in May and 130 requests (almost 11% of total requests) in April (almost 11% of total requests).



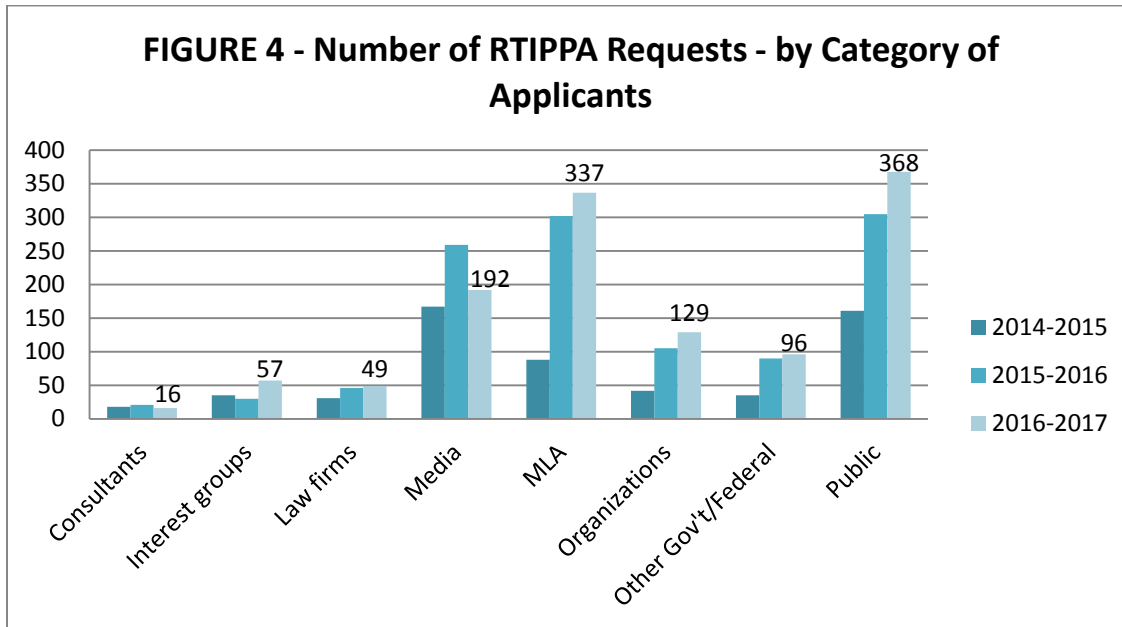
TYPE OF REQUESTS

Most *RTIPPA* requests in 2016-2017 were for general information at 1172 requests (almost 95% of total requests). There were 68 requests for personal information (5% of total requests) and 4 requests (less than 1% of total requests) to correct personal information.



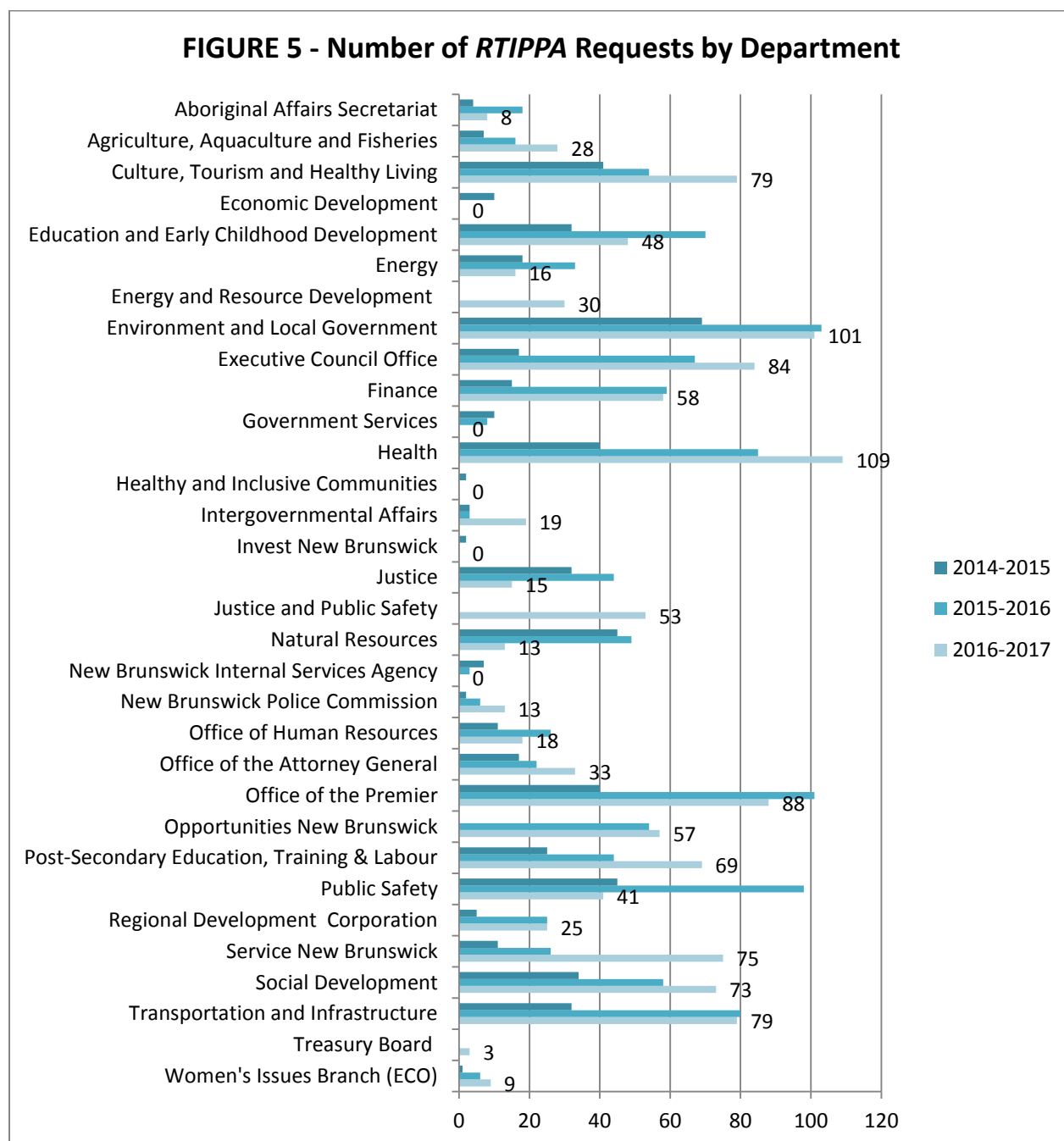
APPLICANTS

In 2016-2017, the general public submitted the most *RTIPPA* requests to departments of any category of applicant (368 requests or about 30% of total requests). Members of the Legislative Assembly submitted the second most requests (337 or 27% of total requests), followed by the media (192 requests or about 15% of total requests).



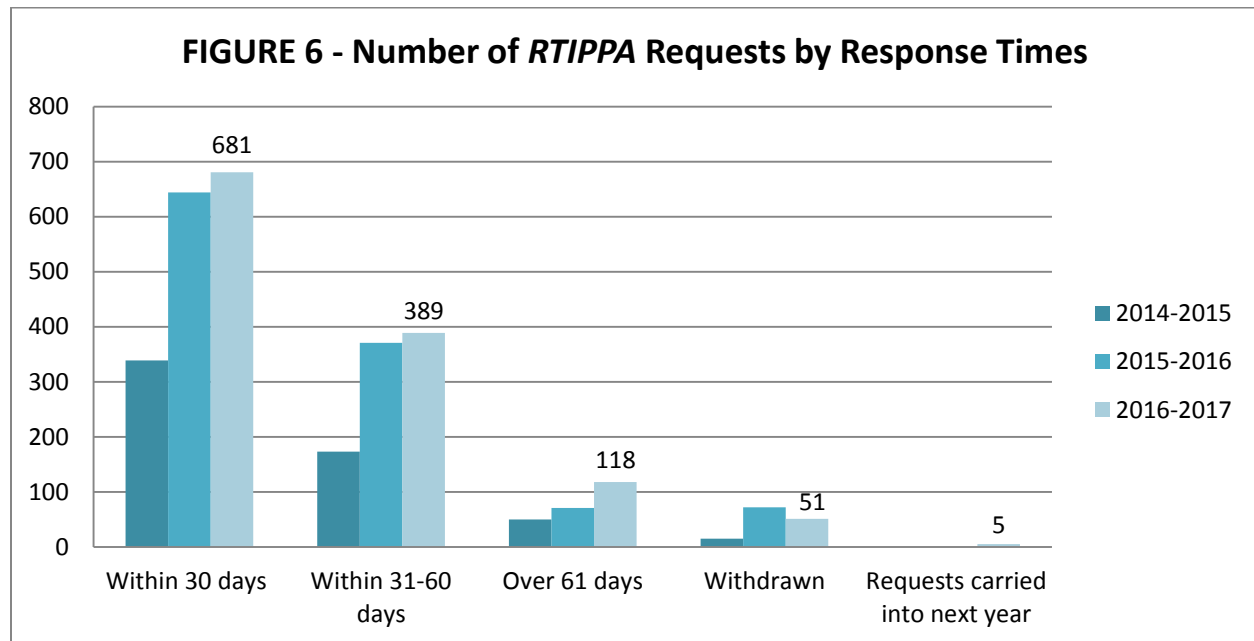
RESPONDENTS

The Department of Health received the most *RTIPPA* requests of any department at 109 requests (almost 9% of total requests), followed by the Department of Environment and Local Government at 101 requests (almost 8% of total requests) and the Office of the Premier at 88 requests (7% of total requests). These three departments received 24% of the total requests.

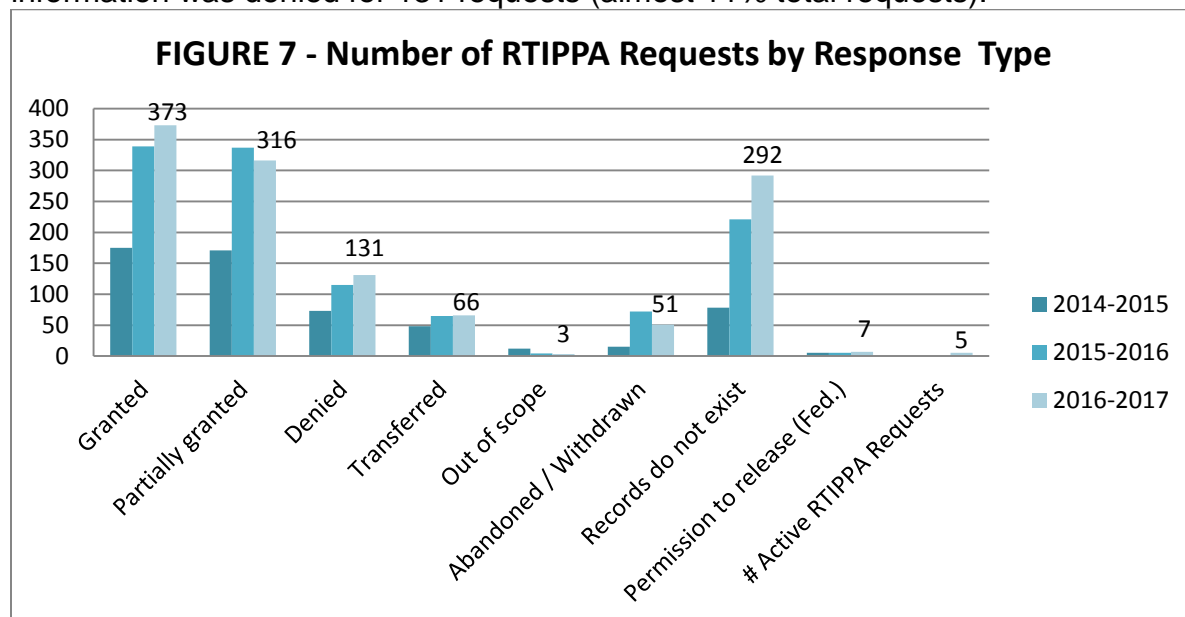


RESPONSES TO *RTIPPA* REQUESTS

In 2016-2017, departments responded to 681 *RTIPPA* requests (55% of total requests) within 30 days of receipt, 389 requests (31% of total requests) within 31 to 60 days of receipt and 118 requests (9% of total requests) more than 60 days after the date of receipt. Some requests were withdrawn (51 requests, almost 4% of total requests). Five (5) requests were carried over into the next year.



Departments partially or fully granted 689 *RTIPPA* requests (55% of total requests). A total of 412 requests (33% of total requests) were either abandoned, withdrawn, transferred, out of scope or requesting records which did not exist. Access to information was denied for 131 requests (almost 11% 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 2016-2017, section 21 regarding unreasonable invasion of third party's privacy was relied on the most (224 times), followed by section 26, advice to public body (125 times) and section 22, disclosure harmful to a third party's business or financial interests (106 times).

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

Section	Explanation	Total Number of Times Applied		
		2014-2015	2015-2016	2016-2017
4	Records to which this Act applies (out of scope)	23	29	14
12	Application deemed abandoned	5	4	5
13	Transferring a request for access	5	10	7
14	Contents of response (record does not exist or cannot be located)	19	25	64
15	Power to authorize a head to disregard requests	4	0	0
17	Executive Council confidences	33	59	48
18	Information provided in confidence to a government	9	18	24
19	Information provided by a council of the band	0	0	0
20	Information from a harassment, personal or university investigation	7	9	7
21	Unreasonable invasion of third party's privacy	93	169	224
22	Disclosure harmful to a third party's business or financial interests	45	49	106
23	Disclosure harmful to government relations	4	13	5
24	Disclosure harmful to relations between NB and a council of the band	0	2	0
25	Local public body confidences	1	3	2
26	Advice to public body	69	119	125
27	Legal privilege	41	65	45
28	Disclosure harmful to an individual or to public safety or in the public interest	1	8	3
29	Disclosure harmful to law enforcement or legal proceedings	18	22	12
30	Disclosure harmful to economic and other interest of a public body	16	11	27
31	Tests, testing procedures and audits	0	1	0
32	Confidential evaluations	2	0	6
33	Information that is or will be available to the public	17	22	22

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 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:

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