

What are a public body's "protection of privacy" responsibilities?

RTIPPA combines the principles of "right-to-information" and "protection-of-privacy". Although often perceived as being separate, they are actually two sides of the same coin.

Public bodies regularly collect, use and disclose large amounts of sensitive personal information. The onus is on each public body to ensure that individuals' privacy is protected at all times.

Officials and staff of a public body should not have access to others' personal information unless it is directly needed to carry out their duties. Otherwise it is a violation of the Act, and subject to potential penalty.

Privacy breaches are very serious. The public body should have policies and procedures in place to deal with any breaches if they should ever occur.

What if someone is not satisfied with the public body's decisions?

RTIPPA provides for an independent review process. (The roles and responsibilities of all relevant parties are set out in Part 5 of the Act.)

The Act gives applicants or third parties who are not satisfied with a public body's decisions or actions two options:

- File a complaint with the New Brunswick Access to Information and Privacy Commissioner, or
- Refer the matter to the Court of Queen's Bench of New Brunswick.

Where can I get further information?

More information 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.

Right to Information and Protection of Privacy



What is the Right to Information and Protection of Privacy Act?

The Right to Information and Protection 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.

What is the purpose of the Act?

There are five key purposes in RTIPPA:

1. The public has a right to records in the custody or control of a public body, subject to specific and limited exceptions;
2. Individuals' personal information must be protected by controlling the way public bodies collect, use, and disclose information;
3. Individuals have a right to their own personal information;
4. Individuals can request correction of their own personal information; and
5. Decisions made by public bodies under the Act can be independently reviewed.

What organizations does the Act apply to?

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.

What is a "record" under the Act?

RTIPPA defines a "record" to mean a record of information, in any form. This includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means.

In practical terms, this definition would include hardcopy and electronic versions of any correspondence, emails, meeting minutes, reports, memos, audio-video recordings, handwritten notes, post-its, notebooks, calendars, working materials, draft versions, et al.

What records are subject to RTIPPA?

RTIPPA applies to almost all records in the custody or under the control of a public body (the few exceptions are specified in section 4 of the Act).

This includes records created or obtained before the Act came into effect, as well as afterward.

Basically, any recorded information, in any format, is a record for the purposes of the Act, as long as it is in the custody or control of the public body when a right-to-information request is received.

Who is responsible for RTIPPA within a public body?

Each public body has a "Head" who is responsible for all decisions made under RTIPPA relating to their public body.

Public bodies often designate a staff member to act as "Coordinator" to assist the Head in the day-to-day administration of the Act.

It is the Coordinator who will usually be responsible for processing individual information requests.

Are there any requirements for making a request?

There are no restrictions on who can make a request. Anyone, from anywhere, has a right to information under the Act.

To be considered complete, a request must be signed, and must include certain information set out in the Regulation.

Please Note: A request cannot be ignored on a technicality. It is the public body's responsibility to ensure that it has all the information needed to process the request.

This is because RTIPPA includes a "duty to assist" provision that requires the public body to make every effort to assist an applicant, without delay, fully and in an open and accurate manner.

The Act also allows an applicant to make an oral request under certain specific conditions.

Can applicants be charged fees for making a request?

No. The Provincial Government made a commitment to remove fees associated with right to information requests.

The fee schedule in the Regulation has been amended; as a result, applicants can no longer be charged any fees for information requests made under the Act.