

**Access to
information
and privacy review**
A Discussion Paper

2007

*Right to Information and Protection
of Personal Information Review Task Force*

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Access to Information and Privacy Review

A Discussion Paper

It is often said that, when it comes to representative democracy and government, information is power. A government's attitude towards sharing information with the people it serves defines how it views the relationship between itself and citizens. People in western democracies no longer accept that their involvement in politics should be restricted to voting in periodic elections. The decline of deference to political authority and to political and administrative institutions is evident throughout the western world and New Brunswick is no exception.

If a government truly believes that governing is about striking a partnership with the people who it is governing, then it has to empower citizens so that they can have a say in how politics and public policies are shaped and public services are delivered. It can do this by sharing information and by avoiding treating information as a precious resource to be made available only when it is absolutely necessary. Open and transparent government is now regarded as a key component of representative democracy. Open government means that government officials should not ask, as a matter of fact, why should citizens have access to government information but, rather, why not.

Citizens are better educated and better informed today than was the case twenty or forty years ago. The media are also substantially more demanding in their requests for information from governments than they have been at any time in the past. The internet has become a powerful tool for citizens in their search for the information that influences their lives. In short, it is no longer possible, let alone acceptable, for governments to govern by decrees from above. This explains why Canada, the United States, the U.K., France, Australia, New Zealand, Denmark, Sweden and Norway have enacted access or right to information legislation. It also explains why all ten Canadian provinces and three territories now have similar legislation. The purpose of right to information legislation is to provide a "right of access" for citizens to information under the control of any government institution. A common theme in right to information legislation in various jurisdictions is that "exceptions to the right of access" should be both limited and, further, that decisions on disclosure "should be reviewed independently of government."¹

It is important to note that New Brunswick was a pioneer in the development of right to information legislation. The province's legislation dates back to 1980 and thus predates access to information legislation in Ottawa and in all provinces, except Nova Scotia. New Brunswick's legislation has been amended from time to time to extend its scope to include hospital

corporations and school boards, but its basic outline, requirements and purpose have remained essentially intact since its introduction. There is a consensus in the province that New Brunswick is now a laggard in the right to information field and that its legislation is in urgent need of update.

The time is thus ripe for a fundamental review of the province's *Right to Information Act*. A cursory look at access to information legislation in other jurisdictions reveals that New Brunswick's legislation has not kept pace in its scope or its requirements. In addition, many New Brunswickers have become concerned of late about the protection provided by the province's privacy laws and there is a need to update its provisions. There is also a need to harmonize access to information and privacy legislation, though one must recognize that the two can have competing objectives. This and several other factors make the case that revising right to information and privacy legislation is no easy task. Still, such laws are, or should be, of strong interest to citizens because they shape their relations with their governments. It is for these reasons that the task force has decided to launch an ambitious public consultation process to guide the review.

The task force will be focussing its efforts on right to information and privacy issues as they relate to information held and managed by the government of New Brunswick. To be sure, the task force recognizes that citizens do have a strong and legitimate interest in how the ever-growing stores of personal information held by organizations outside of government are managed, shared and protected. This is particularly true in the health care field. These issues are both complex and different in nature. They are also outside of the task force's mandate and capacity. We urge the government, however, to work closely with all interested parties to review this increasingly important matter.

The Purpose of this Paper

This paper has two objectives: first, to identify and to explore possible reform measures and, second, to promote public participation in the review process. The points made and the questions posed in this paper are designed to encourage New Brunswickers to get involved, to voice their views and express their concerns about the province's right to information and privacy legislation. We make every effort to present both sides of any issue. Accordingly, we deliberately set out to raise questions, not to provide answers, and to promote a public debate, not arrive with pre-cooked solutions. The task force wishes to stress at the outset that it attaches a great deal of importance in securing the views of New Brunswickers. Indeed, we would like to state, with more than usual emphasis, that the views of New Brunswickers will go a long way in shaping the task force recommendations.

For this reason, the task force has decided to proceed in two phases. Phase I is the production of its discussion paper and public consultations. Our goal is to have as many New Brunswickers as possible respond to the issues raised in this paper and, in particular, address the questions outlined below. In Phase II the task force will report the views of New Brunswickers to the government. In the spirit of right to information, the task force will make the report available to the public at the same time it will be submitting it to the government. In addition, the task force will provide to the public through the media a detailed costing of its work, including travel expenses and the like.

Task force members will employ website technology to secure the views of as many New Brunswickers as possible. To ensure that we provide every opportunity for New Brunswickers to voice their views, we have also decided to embrace traditional approaches, including face-to-face contacts and the solicitation of written input.

The task force welcomes your comments on issues and questions raised in this discussion paper and on any other issue relevant to access to information and privacy legislation. We welcome your submission, comments or written observations by June 15, 2007. You may forward your submission or comments to the task force by:

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Context

Jurisdictions that have put in place access to information legislation report that it has promoted more transparency in government operations and provided greater access to government information for the general public. A good number of observers have also made the case that the legislation has pushed back the culture of secrecy evident within governments in all jurisdictions in years past. Because of right to information legislation, we now know a great deal more about what government thinks and how it decides than at any time in the past. That said, many observers maintain that we have yet to witness a genuine culture of openness and more needs to be done to ensure a free flow of information between government and citizens.

Some former ministers and senior civil servants argue that, while open government is an important objective, it is not without some concerns and drawbacks. They make the case that one has to strike a proper balance between opening up government and retaining some capacity to make decisions in confidence and to protect information provided to government by individuals. New Brunswick's interim opposition leader, Jeannot Volpé, went to the heart of the matter when he observed that there "is a right for people to know what is going on, but there is also a right to protect some information. I would advise to be very careful about how far they (i.e., the government) go."²

Experiences in other jurisdictions such as in the government of Canada, reveal that striking a proper balance is no easy task. Where one sits invariably shapes one's views. The media, oversight bodies, including officers of Parliament and Legislative Assemblies, will want to open up government as wide as possible and see little reason why virtually all information held by government should not be shared with citizens.

Those on the inside, however, see things differently. Elected politicians and civil servants have become concerned of late over the erosion of a government's ability to govern effectively. There are, of course, many reasons for the decline of governability and one can hardly pin all of the blame on right to information legislation. Policy and decision makers in government point to several reasons to explain their concerns over the decline of governability – a decline of authority because of globalization, tighter fiscal constraints, a less deferential electorate, a growing number of interest groups and external oversight bodies, a more aggressive media tied to right to information legislation.

Former British Prime Minister Clement Attlee once observed that in an adversarial parliamentary system, "no government can be successful which cannot keep its secrets."³ The point here is that right to information legislation

and its accompanying oversight bodies have made it more difficult for both politicians and civil servants to shape policy, operate government programs and deliver public services in isolation so that it is now more difficult to manage government operations. Civil servants believe that they are working in a glass house precisely at a time when they are told by many politicians, journalists and public policy groups that government operations should borrow a page from private sector management practices. Government officials are quick to point out that private business does not need to reveal nearly as much information to its clients or even its shareholders.

Former Liberal and Progressive Conservative cabinet ministers in Ottawa, Marc Lalonde and John Crosbie, among many others, insist that access to information legislation does not always easily square with partisan politics. They make the case that access to information requests are frequently “filled with the hope that they may produce information that will compromise the government’s political agenda.”⁴ John Crosbie, for example, has gone as far as to suggest that access to information legislation “gives the media and other mischief-makers the ability to ferret out snippets of information with which to embarrass political leaders and to titillate the public. In the vast majority of instances, embarrassment and titillators are the only objects of access to information requests.”⁵ A cursory look at access to information legislation in various jurisdictions reveal that opposition parties, the media, lawyers and lobbyists have made much more use of the legislation than citizens.

Some jurisdictions have sought to block requests that serve no legitimate interest or draw excessively on public resources. Right to information laws, like any other laws, can be abused.⁶ Ontario’s *Freedom of Information and Protection of Privacy Act*, for example, denies access to government information if “the head of the department is of the opinion, on reasonable grounds, that the request for access is frivolous or vexatious.”⁷

The point is that, in the eyes of many inside government, the legislation has fuelled not only partisan politics but also given rise to “gotcha journalism.” This, in turn, has made life difficult, not only for elected politicians, but also for civil servants. Under the Westminster-Whitehall model, civil servants are told that they owe their loyalty to the government of the day and to no one else. Access to information legislation has the potential of drawing civil servants into the partisan political arena to protect the political interest of their ministers. In addition, some senior civil servants report that they do not feel as free as they once did to challenge their ministers or their colleagues in the civil service on paper for fear that their memoranda will make it to the front page of daily newspapers, thus seriously inhibiting their ability to create a climate of confidence in their working relationships and to share opinions in a frank manner.

There is evidence to suggest that civil servants in several jurisdictions have sought to manage access to information legislation to minimize political damage to the government of the day. There are many tactics that can be employed. One is to delay releasing the requested information. As it is well known, issues can lose their political impact over time, particularly if the media decide to turn their attention to other issues. Another is to avoid putting things on paper so that right to information legislation has in practice limited impact. This has become common practice in a number of jurisdictions prompting some to make the case that legislation should now be introduced to compel government officials to create written records to document “adequately and properly” the government’s decisions, procedures and transactions.⁸ It only takes a moment’s reflection to appreciate the implications for good governance and good public administration when government officials avoid committing ideas, recommendations and decisions to paper. Accountability, to have any chance of success in government, requires a paper trail.

One should also point out that the cost to taxpayers of implementing right to information legislation is not negligible. It requires an administrative structure and an oversight capacity. Deputy ministers see the cost of implementing right to information legislation rise at a time when their operating budgets are being squeezed. The cost of administering the access to information regime in the Government of Canada, for example, amounts to about \$30 million annually or nearly \$2,000 per request submitted.⁹ It is not possible to provide a similar costing for New Brunswick. However, senior civil servants point out that managing the right to information program, in particular, takes up a considerable amount of time and human resources. Jurisdictions have introduced a fee structure not just to absorb part of the cost but also to deter frivolous requests. Some jurisdictions (for example, British Columbia and New Zealand) have even established a fee structure that differentiates between categories of requests. Requests made for commercial purposes, including a corporation seeking information on a competitor’s bid on a contract, are treated differently than a request from a citizen or a non-profit public interest organization.

The above is not to suggest, even for a moment, that right to information legislation should be rolled back. Few outside of government would wish to turn back the clock and many would actively resist such attempts. Few inside government would also wish to turn back the clock. The great majority of government officials accept the principle of right to information legislation. Indeed, the government has made important advances in recent years in publishing information on its policies and operations in print and on the web. Their concern is striking the right balance between openness and the need to keep some things confidential. In any event, if anything, the

pressure points in the other direction so that doing away or even rolling back the legislation is simply not an option. The deliberate shift toward open government is here to stay. Society has changed substantially over the past forty years or so. Citizens are better educated and less deferential and the media now operate 24 hours a day. Public interest groups have grown and have a legitimate role to play in shaping public policy and delivering public services. A healthy representative democracy requires a culture of open and transparent government. It comes with the territory. Government will have to adjust not only to embrace open government but also find ways to make it work. Many, outside and inside government, insist that what is required is a change in culture within government. They argue that government generated information, albeit with some exceptions, be treated as public information and be made readily available to interested parties. This, they point out, requires a change in culture as much as it requires a change in legislation.

All of the above is not only to make the case that those operating inside government will have a different perspective on the merits of right to information legislation, but also to make the case that both elected politicians and civil servants must learn to operate in a more complex and turbulent environment. It is also designed to make the case to our readers that there are different perspectives on the merits of right to information legislation.

The bulk of access to information requests in all jurisdictions appear to come from certain quarters and interested parties. New Brunswick is not different. We know that the media, opposition parties, businesses and lawyers make frequent use of the legislation. In New Brunswick in 2005-06, some 32 per cent of the requests under the Act came from MLAs, 13 per cent from the media, 14 per cent from lawyers, 16 per cent from consultants and 16 per cent from the general public. The reader is invited to consult the *Right to Information 2005-06 Annual Report – New Brunswick*, produced by the Executive Council Office. It provides detailed information on the number and type of requests made under the legislation (399 requests were made in 2005-06), on how the requests were dealt with, which government departments received the requests, processing times and how often applicants turned to the ombudsman or the Court of Queen's Bench to secure the requested information. It is important to note here that not all public bodies are subject to the legislation. For example, unlike other provinces, municipalities and universities are not included in New Brunswick's legislation.

New Brunswickers are not alone in asking their government to review the way it uses and shares information, including personal information, in improving public services. This is why the federal government and nine out of ten provinces have laws to protect personal information held by departments and agencies. But here, too, the environment in which governments operate

has changed and will continue to change rapidly. New communication technologies are enabling governments to manipulate data, to capture and exchange all kinds of information and to develop a capacity to improve the delivery of public services. The flip side, however, is that there is a need to protect the privacy of individuals by ensuring that personal data is protected from inappropriate use. The task force would like to hear how New Brunswickers view the province's *Protection of Personal Information Act* (a copy of both Acts may be found online at <http://www.gnb.ca/0062/regs/p-19-1reg.htm> and <http://www.gnb.ca/0062/regs/r-10-3reg.htm>) and if they think that revisions to the legislation need to be introduced.

The above provides a very broad overview of the issues confronting the Government of New Brunswick as it prepares to review and update both its *Right to Information Act* and the *Protection of Personal Information Act*. It is not by any means an exhaustive list of the issues and concerns. We sought to present different perspectives to enable New Brunswickers to present their views with an appreciation of how things look both inside and outside of government. The task force invites individual New Brunswickers, groups, associations, institutions and the business community to voice their views on these two important Acts. We stress once again that they should not feel constrained by the above and are free to voice any concerns they may have regarding the legislation.

To stimulate the discussion, the task force has also prepared a series of questions. At the risk of sounding repetitive, the following list of questions is designed to stimulate discussion and New Brunswickers should feel free to ask other questions and to voice their views on any matter they consider relevant to our purpose.

The Questions

1. The Context

- 1.1 What type of information does the government hold that would be of interest to you/your organization/your business in the future? What method would you prefer to use to access this information?
- 1.2 What type of information do you think should be routinely available from the government without a request under the *Right to Information Act*?
- 1.3 A request under the *Right to Information Act* can be for one page of records or over a million pages. The access to information legislation in many countries provides for practical limits on a citizen's right of access, such as excessive costs to the taxpayers of providing the information, the undue disruption of governmental operations or repetitive requests. In your experience, has the lack of similar limitation in the New Brunswick legislation been problematic? Would you favour legislature amendments in support of such limitations? If so, which ones? In your view, what should be the criteria?

2. Scope of the *Right to Information Act* – Institutions

The list of government institutions covered by the *Right to Information Act* is attached.

- 2.1 In your view, is the current coverage of institutions under the *Right to Information Act* adequate?
- 2.2 What criteria should be used to determine whether or not an institution would be subject to the *Act*?
- 2.3 By what mechanism should institutions be added or removed from the list of those subject to the *Act*? (For example, legislation would require approval from the Legislative Assembly, while regulations would require only Cabinet approval.)
- 2.4 Should the *Act* include municipalities?
- 2.5 Should the *Act* include universities?
- 2.6 Should the *Act* include policing agencies (the federal law already applies to the RCMP)?

2.7 Should the *Act* include other government agencies, boards and commissions? Please identify.

3. Access Process

- 3.1 Do you think the processes for making and responding to requests under the *Act* could be made easier and more effective? How?
- 3.2 Are there ways to reduce the costs of processing access to information requests?
Are there ways to make the process more efficient?
- 3.3 Currently all requests are treated the same, whether the results are for personal use, commercial use or a public interest use. Should different categories of requests or requesters be treated differently under the *Act*? (For example: general public/MLAs/commercial/users/media/non-profit/associations/professional requesters who sell the information.) If so, what criteria should be used to distinguish between requesters? And what different treatment should they receive?
- 3.4 Currently there are no limits on the number of requests that one person or organization can make to any institution at any time. Should the *Act* limit the number of requests from a single requester to be processed at one time? By one institution? Within a year?
- 3.5 Most jurisdictions charge application fees (\$5 to \$15 - \$5 in the case of New Brunswick) are charged to discourage people from making frivolous requests for information. If someone is willing to pay even a small application fee, they tend to be serious about it. Do you think government should continue to charge an application fee for each information request?
- 3.6 Do you think that there should be a fee structure? Do you think that fees should be established on a cost recovery basis or should the costs of administering the right to information legislation be drawn out of the consolidated revenue fund? In other provinces, applicants are charged an hourly fee for the amount of time it takes to search and prepare the requested documents, in addition to any copying fees. In some cases, people are only charged preparation fees if their request takes longer than 2 or 3 hours to get ready. And, sometimes, fees can be waived under certain conditions. What features do you think a fee structure should have to make sure that it is fair to everyone?

4. Review Process

In New Brunswick, government officials report that fewer than 2 per cent of the requests for information result in complaints. Even so, processes are set out in the law so that if people have complaints about their ability to access government information or about the government's treatment of their personal information, they can choose to have their concerns reviewed.

Any person who is dissatisfied with how government has handled an access or personal information matter has the right to take it before the Court of Queen's Bench. The Court will hear the matter and make a decision that everyone must follow. However, for those who wish to have the matter heard in a fast and less costly way, both the *Right to Information Act* and the *Protection of Personal Information Act* allow for dissatisfied persons to refer their complaint to the Ombudsman for review. Because the Ombudsman provides an informed and objective review of the matter without the cost and complexity of full legal proceedings, most complainants choose this method of review. Almost all complaints referred to the Ombudsman are resolved as a result of the Ombudsman's review and hardly anyone has had to proceed to Court afterward.

- 4.1 Does having the choice of these two review options (i.e., the Court of Queen's Bench and the Ombudsman) provide people with reasonable access to fair and independent review of their access and privacy concerns? Please explain.
- 4.2 What changes, if any, do you think could be made to improve the review processes? A number of provinces have an independent Access and Privacy Commission. Do you believe that New Brunswick would benefit from such a model or is compliance through the ombudsman office sufficient?

5. Administration

There are currently certain features of the *Right to Information Act* that are making it more awkward and costly than necessary to administer.

There is not, for example, a uniform way – such as a form or an internet site – that people can use to make a request for information. As such, there is nothing to guide applicants in terms of what information to include when making a written request.

There are also difficulties being encountered with the strict 30-day deadline for providing a response. Under the current *Act*, there is absolutely no

flexibility to extend the deadline beyond 30 days; not even with the consent of the applicant. While it must continue to be government's goal to respond to requests as quickly as possible, there are certain complex or large volume requests for information that simply cannot reasonably be fully responded to within 30 days. New Brunswick is the only province in Canada where there is no formal way to extend the deadline beyond 30 days.

Neither does the *Act* allow for requests to be transferred from one department to another if a person inadvertently sends a request to the wrong place. Because the 30-day deadline cannot be temporarily suspended in order to accommodate the time it would take to transfer the request to the correct department, the only option is to return the request to the applicant with notification as to where the request should have been sent.

As part of this reform, government would like to identify the best way to address these and other minor administrative difficulties while at the same time ensuring that the goals of openness and transparency continue to be honoured. Most provinces have a separate ATIPP office as a central government agency. Should New Brunswick adopt this model?

- 5.1 What do you think could be done to improve the application process that would be simpler for applicants to make clear and complete requests for information?
- 5.2 If some kind of flexibility is built into the legislation that would allow the time for responding to an information request to go beyond 30 days, what kinds of limits should be put in place to make sure that responses continue to be provided in a timely fashion?
- 5.3 Are there other specific improvements to the process for accessing information that you would suggest?

6. Privacy

Although personal information about individuals is treated confidentially, the public is able to access much of the information held by government regarding businesses and other organizations that deal with government. There are only very specific circumstances under which information about a business can be kept confidential (see paragraphs 6(c) and 6(c.1) of the *Right to Information Act*). Furthermore, when government releases corporate information, there is no requirement that the company or organization be informed about its release. Laws in other parts of Canada are slightly more restrictive when it comes to releasing information about the companies that do business with the government. In the case of Manitoba, unless one of

the exceptions applies, or unless it is considered to be in the public interest, information is not released publicly. However, if government believes that the release of such information is in the public interest, government must let the third party know that it is thinking of releasing the information. This gives the third party the chance to voice its views about whether or not the information should be released. If government decides to go ahead with the release of the information despite the concerns of the third party, the third party can choose to make a complaint to the Ombudsman and the information will not be released until the Ombudsman can review it.

- 6.1 Should government be required to consult with third parties before they release information even if it could delay the release of the requested information by at least a month?
- 6.2 Do the restrictions set out in the Manitoba legislation provide a reasonable balance between the expectation of confidentiality by business and the need for government to remain open and transparent about its business dealings? If New Brunswick were to adopt this type of legislation, what concerns or improvements, if any, would you have to the approach that Manitoba has taken?

7. Limitations On Access

Even in the most open of governments, it is necessary to put in place restrictions to certain types of information. These restrictions are intended to protect information from release when its release is not in the public interest. If our goal is to have an open, yet functional, government, it is important to strike the right balance between openness and confidentiality.

In almost all modern access legislation, the limitations are focussed on ensuring the following objectives: maintaining individual or public health, safety and security; avoiding harm to law enforcement or legal proceedings; protecting solicitor/client privilege; maintaining relationships with other governments; protecting personal information about individuals; ensuring functionality of the government decision-making process; protecting negotiation processes; and avoiding harm to government business or the interests of third party individuals and businesses.

The current *Act's* limitations are somewhat vague and often difficult to interpret. It is intended that the existing limitations be better defined in the legislation so they can be more consistently understood and applied.

- 7.1 Are there existing limitations that you think have been interpreted too broadly or too narrowly? Are there limitations that you think are unreasonable? Are there any types of information that should be more or less restricted? Please explain why.

8. Protection of Personal Information

The *Protection of Personal Information Act* is based on a model that was developed by the Canadian Standards Association and widely adopted across Canada. It sets standards that the provincial government must follow when it handles information about individuals. It is intended to be a framework for decision-making regarding the handling of personal information to ensure that it is handled in a conscious, consistent manner.

The *Act* applies to all “personal information.” It defines this as any “information about an identifiable individual, recorded in any form.” There are 10 principles – the *Statutory Code of Practice* – that the government must follow in regard to the personal information it has in its possession. These principles deal with issues relating to the proper collection, use and disclosure of personal information. The principles also state that you are entitled to find out what information government has about you, and to correct this information if it is wrong. More information about the *Protection of Personal Information Act* can be found in the pamphlet at <http://archives.gnb.ca/documents/POPI.pdf>.

- 8.1 Are you satisfied that the information that government collects about you is being handled in such a way that your privacy is protected? If not, what concerns do you have? What more should be done to protect your personal information?

9. Protection of Personal Information Exemptions

Pursuant to paragraph 7 f) the *Protection of Personal Information Act*, the government may allow for the disclosure to a third party of protected personal information. For example, Regulation 2001-14 (<http://www.gnb.ca/0062/regs/2001-14.htm>) creates an exemption where government can disclose the names, addresses, and postal codes of the holders of driver’s licences issued under the *Motor Vehicle Act*, as well as the numbers of those licences, to the War Amputations of Canada to facilitate fundraising.

- 9.1 Do you believe that government should be allowed to create such an exemption?

- 9.2 If such exemptions exist, should there be safeguards to ensure that the third party does not improperly disclose the protected personal information?
- 9.3 If such exemptions exist, should there be a mechanism where you can have your personal information removed from the third party's control?
- 9.4 If such exemptions exist, what personal information should and should not be disclosed?

10. Purpose of collected information

According to the principles set out in the Protection of Personal Information Act, government departments should only collect, use or disclose information about you with your consent. While consent is sometimes given (or refused) by you directly, there are other situations in which consent can be "implied". Consent is considered to be "implied" as long as: a) a person would be unlikely to disapprove of the way in which the information is being used; or, b) government is using the information in a way that would be expected. Decisions about whether or not personal information should be shared between government departments are or should be made based on these principles.

- 10.1 Do you have any concerns about the sharing of personal information between government departments? What types of restrictions, if any, should be in place to ensure that information is not used inappropriately? In your opinion, what rules or protections can be put in place that would allow government departments to share information between departments in the interests of good service delivery and reduced administrative burden, while ensuring that personal information is properly protected?

Government Institutions to which the *Right to Information Act* and the *Protection of Personal Information Act* Apply

According to Schedule A of Regulation 85-68 under the *Right to Information Act*

Advisory Council on the Status of Women	New Brunswick Highway Corporation
Board of Commissioners of Public Utilities	New Brunswick Housing Corporation
The Board of the New Brunswick Museum	New Brunswick Industrial Development Appeal Board
Le Centre Communautaire Sainte-Anne	New Brunswick Industrial Development Board
Department of Agriculture and Aquaculture	New Brunswick Investment Management Corporation
Department of Business New Brunswick	New Brunswick Liquor Corporation
Department of Education	New Brunswick Power Coleson Cove Corporation
Department of Energy	New Brunswick Power Distribution and Customer Service Corporation
Department of Environment	New Brunswick Power Generation Corporation
Department of Family and Community Services	New Brunswick Power Holding Corporation
Department of Finance	New Brunswick Power Nuclear Corporation
Department of Fisheries	New Brunswick Power Transmission Corporation
Department of Health	New Brunswick Research and Productivity Council
Department of Intergovernmental Affairs	New Brunswick Securities Commission
Department of Justice and Consumer Affairs	New Brunswick Transportation Authority
Department of Local Government	Office of the Attorney General
Department of Natural Resources	Office of the Auditor General
Department of Post-Secondary Education, Training and Labour	Office of Human Resources
Department of Public Safety	Office of the Premier
Department of Supply and Services	Premier's Council on the Status of Disabled Persons
Department of Tourism and Parks	Regional Development Corporation
Department of Transportation	Regional Family Income Security Appeal Boards
Department of Wellness, Culture and Sport	Regional Health Authority 1 (Beauséjour)/Régie régionale de la santé 1 (Beauséjour)
Energy Efficiency and Conservation Agency of New Brunswick	Regional Health Authority 1 (South-East)/Régie régionale de la santé 1 (sud-est)
Executive Council Office	Regional Health Authority 2/Régie régionale de la santé 2
Fort LaTour Development Authority	Regional Health Authority 3/Régie régionale de la santé 3
Kings Landing Corporation	Regional Health Authority 4/Régie régionale de la santé 4
Labour and Employment Board	Regional Health Authority 5/Régie régionale de la santé 5
Legislative Library	Regional Health Authority 6/Régie régionale de la santé 6
Lotteries Commission of New Brunswick	Regional Health Authority 7/Régie régionale de la santé 7
Military Compound Board	
New Brunswick Advisory Council on Seniors	
New Brunswick Advisory Council on Youth	
New Brunswick Electric Finance Corporation	
New Brunswick Emergency Measures Organization	
New Brunswick Film Classification Board	
New Brunswick Fisheries Development Board	
New Brunswick Geographic Information Corporation	

End notes

- ¹ Canada, *Access to Information Act*, RSC, 1985, C.A-1, p. 39.
- ² Quoted in "Committees to review information laws," www.canadaeast.com, 14 February 2007.
- ³ Quoted in Kevin Theakston, *The Civil Service since 1945* (Oxford: Blackwell, 1995), p. 176.
- ⁴ Alasdair Roberts, "Two Challenges in Administration of the Access to Information Act," in Commission of Inquiry into the Sponsorship Program and Advertising Activities, *Restoring Accountability*, research studies vol. 2, Ottawa, 2006, p. 115-162.
- ⁵ John Crosbie, *No Holds Barred: My Life in Politics* (Toronto: McClelland and Stewart, 1997), p. 300.
- ⁶ Roberts, "Two Challenges in Administration of the Access to Information Act," p. 134.
- ⁷ Ontario *Freedom of Information and Protection of Privacy Act*, section 10(1)(b). The institution must provide reasons for disregarding a request on these grounds (section 27.1(1)). Criteria for determining whether a request is "frivolous or vexatious" are elaborated in R.R. O. 1990, Regulation 460, section 5.1. Such a request must be part of a "pattern of conduct that amounts to an abuse of the right of access or would interfere with the operations of the institution," or be "made in bad faith or for a purpose other than to obtain access." The decision to refuse a request may be appealed to the Information Commissioner.
- ⁸ Canada, *Information Commissioner of Canada, Annual Report, 2000-2001*, p. 66.
- ⁹ Canada, *Access to Information: Making It Work for Canadians* (Ottawa: Report of the Access to Information Review Task Force, June 2002), p. 5.

Biographical Note

Donald J. Savoie

Dr. Savoie holds a Canada Research Chair in Public Administration and Governance at the Université de Moncton. His research achievements are prodigious and his influence on Canadian public policy, Canadian public administration and Canadian society has been evident for years.

Dr. Savoie has published numerous books, has extensive work experience in both government and academia. He has held senior positions with the government of Canada and, in 1983, he founded the Canadian Institute for Research on Regional Development at the Université de Moncton. He has served as an advisor to a number of federal, provincial and territorial government departments and agencies, the private sector, independent associations, OECD, the World Bank and the United Nations. He was Simon Reisman Visiting Fellow, Treasury Board, government of Canada (2004), Senior Fulbright Scholar at Harvard and Duke universities (2001-02), Senior Fellow of the Institute for Research on Public Policy (2000-04) and elected Visiting Fellow, All Souls College, Oxford, in 2006.

Dr. Savoie has won numerous prizes and awards, including: the Trudeau Prize (2004), the Sun Life Public Service Citation Award (2004), finalist for the SSHRC Gold Medal for Achievement in Research (2003), the Vanier Gold Medal (1999) for "having made a significant contribution in the field of public administration in Canada," honoured by the Public Policy Forum at its twelfth annual testimonial awards (1999), elected president of the Canadian Association of Political Science (1998), made an Officer of the Order of Canada (1993), elected Fellow of the Royal Society of Canada (1992), awarded the Canada 125 Medal (1992), selected alumnus of the year and named Honorary Patron, Order of Regents, Université de Moncton (1991). Three of his books were short listed for the Donner Prize, *Governing from the Centre: The Concentration of Power in Canadian Politics* (2000), *Pulling Against Gravity: Economic Development in New Brunswick* (2001) and *Visiting Grandchildren: Economic Development in the Maritimes* (2006). *The Politics of Public Spending in Canada* was the inaugural recipient of the Smiley prize (1992) awarded by the Canadian Political Science Association for the best book in the study of government and politics in Canada. He was also awarded the Mosher prize by the *Public Administration Review* (US) for the best article in public administration (1994). He has been awarded honorary doctorates by the Université Sainte-Anne (1993), Mount Allison (1997), the University of New Brunswick (2002), Dalhousie University (2003), and St. Francis Xavier University (2005). He was also awarded a Doctor of Letters from Oxford University (2000).

