

**IN THE MATTER OF A REFERRAL UNDER PARAGRAPH 7(1)(b)
OF THE *RIGHT TO INFORMATION ACT*, R.S.N.B. 1973, c. R-10.3**

Between: **E.F.,**
 the petitioner

And:

The Honourable Greg Byrne
Minister Responsible for Service New Brunswick
 the Minister

RECOMMENDATION

The facts

1. This referral, pursuant to paragraph 7(1)(b) of the *Right to Information Act*, was filed with the Ombudsman's Office on April 12, 2007. This referral arises out of a request for information received by the Minister Responsible for Service New Brunswick on March 1, 2007. The information requested pertains to a property located at 388 Fundy Drive, Wilsons Beach (Campobello Island), in New Brunswick, Canada.
2. In an undated letter (copy of which was received by the Minister's Office, Business New Brunswick, on March 1, 2007), the Petitioner, pursuant to the *Right to Information Act*, requested additional information regarding the assessment of her property from the Hon. Greg Byrne, Minister responsible for Service New Brunswick.
3. On March 27, 2007, the Minister responded to the Petitioner's request by providing her with answers to all of the questions outlined in her request made pursuant to the *Right to Information Act*. Some information was withheld on the basis that its release would reveal personal information concerning another person, pursuant to paragraph 6(b) of the Act.

4. The Minister provided the Petitioner with two options to consult relevant and supporting material: (i) providing copies of the material or (ii) allowing her to examine the documents in St. Stephen, New Brunswick.
5. At issue is whether the Minister Responsible for Service New Brunswick provided the Petitioner with the documents containing the information requested pursuant to section 2 of the *Right to Information Act*.
6. On June 25, 2007, an *in camera* review of the responsive records identified by the Minister was carried out, pursuant to subsection 7(4) of the Act. Chief among the records available for consultation by the Petitioner or capable of being reproduced for her benefit are:
 - a. Residential Valuation Guide
 - b. Tax Benefits Programs (information)
 - c. New Brunswick Real Property Assessment Manual
 - d. Assessment Data Analysis Module (Data procedures)
 - e. Class/Building Codes
 - f. Policies and Procedures Manual Assessment Branch
 - g. 2005, 2006 and 2007 Taxing Authority List

The law

7. The relevant provisions of the *Right to Information Act* are as follow:
 2. Subject to this Act, every person is entitled to request and receive information relating to the public business of the Province, including, without restricting the generality of the foregoing, any activity or function carried on or performed by any department to which this Act applies.

(...)
 - 3(1) Any person may request information by applying to the minister of the department where the information is likely to be kept or filed, and the appropriate Minister shall in writing within thirty days of the receipt of the application grant or deny the request.

(...)
 - 3(8) If information has been published and is available to the applicant in published form

(a) the appropriate Minister shall notify the applicant in writing, referring the applicant of the publication, and

(b) this Act no longer applies to the request for information.

(...)

6. There is no right to information under this Act where its release

(b) would reveal personal information concerning another person.

(...)

7(1) Where an applicant is not satisfied with the decision of an appropriate Minister or where an appropriate Minister fails to reply to a request within the time prescribed, the applicant may in the prescribed form and manner (...)

(b) refer the matter to the Ombudsman.

(...)

10(1) Upon having reviewed the matter referred to him, the Ombudsman shall forthwith, in writing, advise the appropriate Minister of his recommendation and shall forward a copy of such recommendation to the person making the referral.

Conclusion

8. With regards to the question posed by the Petitioner, that is, whether the Minister provided the Petitioner with the information requested, in my opinion, the Minister has respected his obligations under the *Right to Information Act* and the Petitioner has benefited from the provisions of section 2 of the Act. This action by the Minister therefore suffices to dispose of the *Right to Information Act* petition. Pursuant to paragraph 3(8)(b) of the Act, there is no obligation under the statute on a public body to disclose information which is already published and publicly available.
9. Furthermore, in light of the applicable legislation and the nature of the information involved, it was determined that the severed portions of the records disclosed to the Petitioner were appropriately severed.

10. I am satisfied that the disclosure made in this case constitutes a full and frank disclosure of all records in the Minister's possession related to this request.
11. Consequently, no further disclosure is recommended.

Dated at Fredericton, this 10th day of September, 2007.

Bernard Richard, Ombudsman