

## Index

### ACCESS

See also STATUTORY RIGHT OF ACCESS

Generally, § 2:16 to § 2:25

Access forms, APP C

Access request forms, APP C

Access request for personal information

- generally, § 2:21
- identifying information requested, § 2:23
- method of application, § 2:23
- requests by someone other than affected individual, § 2:22
- requests in writing, § 2:23
- status to apply, § 2:22
- summary of information supplied in confidence (notable procedure), § 2:24

Anonymous requests, see ANONYMOUS REQUESTS

Fees, see FEES

Forms of access, § 2:20

General versus specialized access regime

- context of litigation or a similar appeal process, § 1:5
- context of regulated activities, § 1:6

Liability for making request, § 2:25

Limit use of information disclosed, Access Act, § 1:7

Making standing request

- generally, § 2:19
- frequency of response, § 2:19
- repetition of third party procedures, § 2:19
- standing requests in other access jurisdictions, § 2:19

### ACCESS—Cont'd

Preparing access request

- generally, § 2:18
- anonymous request, § 2:17
- avoiding disclosure exemptions, § 2:18
- avoiding third party procedures, § 2:18
- content of request, § 2:18
- directing request to right person, § 2:18
- prescribed request forms, § 2:18
- restricted status under federal Act, § 2:16
- using nominee requester, § 2:16
- who may request disclosure, § 2:16

Request on other legal proceedings, impact of, § 1:8

### ACCESS CO-ORDINATOR

Delegation to, § 3:14

Role of, § 3:6

### ACCESS REQUESTS

See ACCESS

### ACCESS TO INFORMATION ACT (CANADA)

Generally, APP A1 § A1:1 et seq.

### ACCURACY OF PERSONAL INFORMATION

See also PERSONAL INFORMATION

Generally, § 8:32 to § 8:37

Retention requirement based on use, § 8:33

### ADJUDICATION

See RESOLUTION PROCESSES

## GOVERNMENT INFORMATION

### **AN ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION (QUEBEC)**

Generally, **APP B15 § B15:1 et seq.**

### **ANONYMOUS REQUESTS**

See also **ACCESS**

Generally, **§ 2:17**

Disclosure of requester's identity at  
review stage, **§ 2:17**

Importance of anonymity, **§ 2:17**

Name of requester as personal  
information, **§ 2:17**

Risk of loss of anonymity if there is  
third party objector, **§ 2:17**

### **APPEALS**

Appeal forms, **APP C**

Appellate courts

generally, **§ 7:2 to § 7:6**

conditions for launching appeal,  
**§ 7:3**

parties to application, **§ 7:3**

role of Commissioner/  
Ombudsman/Reviewing  
Officer, **§ 7:4**

time for launching appeal, **§ 7:3**

who can launch appeal, **§ 7:3**

Special rules for some appeals,  
**§ 7:16 to § 7:18**

Standard of review

generally, **§ 7:7 to § 7:15**

appeals relating to disclosure  
delays, **§ 7:10**

appeals relating to fees, **§ 7:12**

appeals relating to quality search,  
**§ 7:11**

applicable standard for lower  
court decisions, **§ 7:15**

burden on appeal, **§ 7:9**

costs award, **§ 7:13**

damages award, **§ 7:14**

### **ARCHIVES**

Government information in, **§ 2:9**

Library and Archives of Canada,  
disclosure of personal informa-  
tion to, **§ 8:26**

Provincial archives, disclosure of  
personal information to, **§ 8:26**

Records transferred to, **§ 2:10**

### **AUDITS**

See also **EXCLUSIONS AND  
EXEMPTIONS TO RIGHT  
OF ACCESS**

Generally, **§ 4:18**

Audit procedures, **§ 4:18**

Testing procedures, **§ 4:18**

### **BENEFICIAL INFORMATION**

See also **THIRD PARTY INFOR-  
MATION**

Generally, **§ 5:13**

Rationale for exemption, **§ 5:6**

Unduly beneficial information,  
**§ 5:13**

### **BOARDS**

See **GOVERNMENT INSTITU-  
TIONS**

### **CABINET CONFIDENCES**

See also **EXCLUSIONS AND  
EXEMPTIONS TO RIGHT  
OF ACCESS**

Generally, **§ 4:24**

Nature of, under federal Act, **§ 4:24**

Provincial exemptions, **§ 4:24**

Scope of federal protection, **§ 4:24**

Treatment of, under Canada Evi-  
dence Act, **§ 4:24**

### **CANADA EVIDENCE ACT**

See also **EXCLUSIONS AND  
EXEMPTIONS TO RIGHT  
OF ACCESS**

Certificates, **§ 4:27**

Treatment of Cabinet confidences  
under, **§ 4:24**

**CHARTER OF RIGHTS AND FREEDOMS**

Section 8, APP IF § IF:1, APP IF § IF:2

**COLLECTION OF PERSONAL INFORMATION**

See also PERSONAL INFORMATION

Generally, § 8:8

Law enforcement information, § 8:9

Manner of collection, § 8:10

Notification requirements, § 8:10

Purpose of collection, § 8:9

Recovery of unlawfully possessed information, § 8:38

Safeguards for personal information during collection, § 8:11

Sources of personal information, § 8:10

**COMMERCIAL INFORMATION**

See also THIRD PARTY INFORMATION

Generally, § 5:5

Class test, § 5:5

Conditions of exemption, § 5:5

Confidentiality and limited access, § 5:7

Injury test, § 5:7

Public benefit requirement, § 5:7

Public knowledge information, § 5:7

Relevance of potential for injury, § 5:7

Supplementary federal exemptions, § 5:10

Test of confidentiality, § 5:8

**COMMISSIONERS**

Generally, § 6:2

Immunity of, § 6:8

Role of, § 7:4

**COMPLAINTS TO INDEPENDENT REVIEW AUTHORITY**

Complaint form, APP C

**COMPLAINTS TO INDEPENDENT REVIEW AUTHORITY—Cont'd**

Complaints into matters other than non-disclosure of information, § 6:6

Immunity of Commissioners, § 6:8

Reports to legislatures, § 6:7

Reports to Parliament, § 6:7

Resolution processes, see RESOLUTION PROCESSES

Reviewing officer, see REVIEWING OFFICER

Review process, see REVIEW PROCESS

**CONFIDENTIALITY**

Commercial information, § 5:6, § 5:7

Other governments, information from, § 4:4

Third party information, § 4:16

**CONSULTATION PROCESS**

See also THIRD PARTY RIGHTS TO PREVENT DISCLOSURE OF PERSONAL INFORMATION

Generally, § 5:23 to § 5:30

Circumstances that trigger notice, § 5:23 to § 5:30

Consultations involving private sector, § 4:17

Content of third party notice, § 5:26

Determining when notice is required, § 5:25

Expanded notice requirements, § 5:26

Government obligation to consult, § 5:22

Nature of representations, § 5:29

No disclosure contemplated, § 5:24

Notice to requester that third party consultations have been initiated, § 5:28

Reasons for decision to disclose, § 5:30

## GOVERNMENT INFORMATION

### CONSULTATION PROCESS

#### —Cont'd

- Response time, § 5:27
- Time for giving third party notice, § 5:27
- Time for responding to request, § 5:27
- Waiver of notice, § 5:24
- When notice not required, § 5:24
- When third party cannot be located, § 5:25

### CORRECTIONS AND NOTATIONS OF PERSONAL INFORMATION

See also STATUTORY RIGHT OF ACCESS

- Generally, § 2:27
- Limited right of correction, § 2:27
- Manner of notation if correction is not made, § 2:27
- Must information have been disclosed first?, § 2:27
- Need for right of correction, § 2:27
- Notification of correction to others, § 2:27
- Procedure for exercising right, § 2:27
- Repetitious requests for correction, § 2:27
- Request for correction forms, APP C

### DAMAGES

- Charter damages, APP IF § IF:1
- Damages award, § 7:14
- Monetary compensation, APP IF § IF:1
- Remedies, APP IF § IF:1

### DECISION-MAKER/DELEGATION OF AUTHORITY

- See also GOVERNMENT REQUESTS
- Generally, § 3:14
- Decentralized system of access, § 3:14

### DECISION-MAKER/DELEGATION OF AUTHORITY—Cont'd

- Delegation to access co-ordinators, § 3:14
- Implied delegation, § 3:14
- Permanence of express delegation, § 3:14
- Role of head of institution, § 3:14

### DEFENCE

See NATIONAL SECURITY AND DEFENCE

### DELEGATION OF AUTHORITY

See DECISION-MAKER/DELEGATION OF AUTHORITY

### DISCLOSURE OF PERSONAL INFORMATION

- See also PERSONAL INFORMATION
- Compassionate grounds, on, § 8:24
- Consent of individual concerned, with, § 8:16
- consent forms, APP C
- Court order, on compulsion of, § 8:22
- Elected representatives, to, § 8:25
- Emergency, in cases of, § 8:24
- Governmental purposes, for certain specified
  - generally, § 8:18
  - data matching, § 8:20
  - judicial proceedings, § 8:19
  - law enforcement, § 8:19
  - “necessary” disclosure, § 8:20
  - other government responsibilities, § 8:20
  - statutory responsibilities, § 8:20
- Government employment contracts and benefits, relating to, § 8:28
- Library and Archives of Canada, to, § 8:26
- Other grounds, on, § 8:29
- Permitted disclosure
  - generally, § 8:15

**DISCLOSURE OF PERSONAL INFORMATION—Cont'd**

- Permitted disclosure—Cont'd
  - exceptions to disclosure restrictions, § 8:15
  - legislative differences in meaning of disclosure, § 8:15
- Prohibitions, § 5:4
- Provincial archives, to, § 8:26
- Purpose for which information was collected, for, § 8:17
- Research purposes, for, § 8:23
  - agreement form, APP C
- Statute or regulation, in accordance with, § 8:21
- Subject to conditions, § 8:30
- Substantial public interest, on basis of
  - generally, § 8:27
  - disclosure amounting to unjustified invasion of privacy, § 8:27
  - nature of presumption of unjustified invasion of privacy, § 8:27
  - neither denial nor confirmation of existence of personal information, § 8:27
  - notice of disclosure forms, APP C
  - summary of information supplied in confidence, § 8:27

**DISPOSAL OF PERSONAL INFORMATION**

- See also PERSONAL INFORMATION
- Generally, § 8:32 to § 8:37, § 8:36

**ECONOMIC AND OTHER INTERESTS OF GOVERNMENT**

- See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS
- Generally, § 4:9
- Cursory approach, § 4:9

**ECONOMIC AND OTHER INTERESTS OF GOVERNMENT—Cont'd**

- Detailed approach, § 4:9

**ERRORS**

- See also GOVERNMENT REQUESTS
- Immunity for, § 3:18
- Liability for, § 3:18

**EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS**

- Audits, see AUDITS
- Cabinet confidences, see CABINET CONFIDENCES
- Canada Evidence Act certificates, see CANADA EVIDENCE ACT
- Economic interest of state, see ECONOMIC INTEREST OF STATE
- Federal-provincial affairs, see FEDERAL-PROVINCIAL AFFAIRS
- General principles, § 4:1
  - discretion, exercise of, § 4:2
  - public interest overrides, § 4:3
- Government operations, see GOVERNMENT OPERATIONS
- Health, see SAFETY OR HEALTH
- Held in confidence under other legislation, information required to be
  - generally, § 4:20
  - federal approach, § 4:20
  - general priority for access legislation, § 4:20
  - provincial approaches, § 4:20
- Information disclosure of which would interfere with conservation, § 4:22
- International affairs, see NATIONAL SECURITY AND DEFENCE

**EXCLUSIONS AND  
EXEMPTIONS TO RIGHT OF  
ACCESS—Cont'd**

- Labour dispute resolution  
processes, information in connection with, § 4:23
- Law enforcement, see LAW  
ENFORCEMENT
- National security and defence, see  
NATIONAL SECURITY AND  
DEFENCE
- Other governments, information  
from, see OTHER GOVERN-  
MENTS, INFORMATION  
FROM
- Personal information, see  
PERSONAL INFORMATION
- Protecting third party information  
from disclosure, see THIRD  
PARTY INFORMATION
- Published information, see  
PUBLISHED AND SOON-  
TO-BE PUBLISHED INFOR-  
MATION
- Safety, see SAFETY OR HEALTH
- Solicitor-client privilege, see  
SOLICITOR-CLIENT PRIVI-  
LEGE
- Soon-to-be published information,  
see PUBLISHED AND  
SOON-TO-BE PUBLISHED  
INFORMATION
- Special exclusions, § 4:26
  - Atomic Energy of Canada Ltd.,  
§ 4:26
  - Canadian Broadcasting Corp.,  
§ 4:26
- Taxation information, § 4:21
- Third party information, see THIRD  
PARTY INFORMATION

**EXEMPTIONS TO RIGHT OF  
ACCESS**

- See EXCLUSIONS AND EXEMP-  
TIONS TO RIGHT OF  
ACCESS

**FEDERAL-PROVINCIAL  
AFFAIRS**

- See also EXCLUSIONS AND  
EXEMPTIONS TO RIGHT  
OF ACCESS
- Generally, § 4:5
- Intergovernmental relations, § 4:5
- Likelihood of harm under federal  
Act, § 4:5
- Scope of exemptions, § 4:5

**FEES**

- Access fees, **APPE**
- Appeals relating to, § 7:9
- Complaints into matters other than  
non-disclosure of information,  
§ 6:6
- Government requests
  - generally, § 3:7
  - application fees, § 3:7
  - avoiding fees when personal  
information is sought, § 3:7
  - copying fees, § 3:7
  - estimates of fees, § 3:7
  - fee waivers and complaints, § 3:7
  - search fees, § 3:7
- Review of access decisions, § 6:1

**FORMAT OF RECORDS**

- See also GOVERNMENT  
REQUESTS
- Generally, § 3:9 to § 3:12
- Formats for personal information
  - available, § 3:12
  - explanation of information,  
§ 3:12
  - place for examination, § 3:12
  - presentation of information in  
comprehensible form,  
§ 3:12
- Inspection of record, § 3:10
  - on-line access to information in  
government records, § 3:10
  - place of inspection, § 3:10
  - when only part of record is to be  
disclosed, § 3:10

**FORMAT OF RECORDS—Cont'd**

Receipt of copies of relevant material, § 3:11  
 computer records, § 3:11  
 films, § 3:11  
 sound recordings, § 3:11

**FREEDOM OF INFORMATION ACT (NEWFOUNDLAND AND LABRADOR)**

Generally, APP B8 § B8:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (ALBERTA)**

Generally, APP B1 § B1:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (BRITISH COLUMBIA)**

Generally, APP B3 § B3:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (MANITOBA)**

Generally, APP B6 § B6:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (NOVA SCOTIA)**

Generally, APP B9 § B9:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (ONTARIO)**

Generally, APP B10 § B10:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (PRINCE EDWARD ISLAND)**

Generally, APP B14 § B14:1 et seq.

**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (SASKATCHEWAN)**

Generally, APP B16 § B16:1 et seq.

**GOVERNMENT INFORMATION**

See also STATUTORY RIGHT OF ACCESS

Generally, § 2:9

Charter, § 1:1

Committee member records, § 2:9

Constitutional right to

generally, § 1:1

destroyed information, § 2:9

unwritten constitutional principles, § 1:1

Electronically recorded information, § 2:9

Information held in agency relationship, § 2:9

Information held in trust, § 2:9

Information in archives, § 2:9

Information in regional offices, § 2:9

Information not in possession of institution, § 2:9

“Loaning” information to government institution, § 2:9

Locating and identifying, see  
 LOCATING AND IDENTIFYING GOVERNMENT INFORMATION

Mechanically recorded information, § 2:9

Political records, § 2:9

Quasi-constitutional right to generally, § 1:2

broad interpretation, § 1:2

pre-eminence over other statutes, § 1:2

Records created by employee, § 2:9

Records of tribunal proceedings, § 2:9

Removed information, § 2:9

Tribunal records, § 2:9

**GOVERNMENT INSTITUTIONS**

See also INSTITUTIONS  
 SUBJECT TO ACCESS  
 LEGISLATION

Generally, § 2:4



**GOVERNMENT INSTITUTIONS**

**—Cont'd**

- Application of Act to unlisted agency, § 2:4
- Courts, § 2:4
- Crown corporations, § 2:4
- Government institutions subject to legislation, **APP D**
- In camera proceedings of federal tribunal, § 2:4
- In camera proceedings of provincial tribunal, § 2:4
- Inclusion in general definition, § 2:4
- Judicial councils, § 2:4
- Officers of Parliament, § 2:4
- Refusal of access when agency not subject to Act, § 2:4
- Tribunals, § 2:4
- Two-level analysis, § 2:4

**GOVERNMENT OPERATIONS**

See also **EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS**

- Generally, § 4:17
- Advice, § 4:17
- Advice to government decision making, relevance of, § 4:17
- Advice to government policy making, relevance of, § 4:17
- Consultations involving private sector, § 4:17
- Deliberations involving officials, § 4:17
- Exceptions from exemption, § 4:17
- General scope of exemption, § 4:17
- Recipient of advice, § 4:17
- Recipient of recommendations, § 4:17
- Recommendations, § 4:17
- Recommendations involving private sector, § 4:17
- Recommendations to government decision making, relevance of, § 4:17

**GOVERNMENT OPERATIONS**

**—Cont'd**

- Recommendations to government policy making, relevance of, § 4:17

**GOVERNMENT REQUESTS**

- Generally, § 3:1 to § 3:5
- Applicable fees, see **FEES**
- Complaints about delayed responses, § 3:3
  - delay becoming academic, § 3:3
- Consultations/transfer generally, § 3:8
  - effect of referral upon request, § 3:8
  - referral forms, **APP C**
  - referral of request, § 3:8
- Decision-maker, see **DECISION-MAKER/DELEGATION OF AUTHORITY**
- Delegation of authority, see **DECISION-MAKER/DELEGATION OF AUTHORITY**
- Denial of existence of information generally, § 3:4
  - notification of non-existence of information, § 3:4
  - review of denial of existence of information, § 3:4
- Errors, see **ERRORS**
- Extension of response time, § 3:2
- Format of records, see **FORMAT OF RECORDS**
- Initial period for response generally, § 3:1
  - implementation of favourable response, § 3:1
  - notification of decision, § 3:1
- Language of access, see **LANGUAGE OF ACCESS**
- Neither denial nor confirmation of existence of information, § 3:5
- Requesters, see **REQUESTERS**
- Severance, see **SEVERANCE**



**GUIDES**

Access guides, § 2:11, § 6:6  
 Personal information guides, § 8:34  
 Policy guides, § 3:6

**HARMFUL INFORMATION**

See also **THIRD PARTY INFORMATION**  
 Generally, § 5:7, § 5:12  
 Likelihood of injury, § 5:12  
 Relevant forms of injury, § 5:12

**HEALTH**

See **SAFETY OR HEALTH**

**IDENTIFYING GOVERNMENT INFORMATION**

See **LOCATING AND IDENTIFYING GOVERNMENT INFORMATION**

**INSTITUTIONS SUBJECT TO ACCESS LEGISLATION**

See also **STATUTORY RIGHT OF ACCESS**  
 Generally, § 2:2 to § 2:7  
 Agencies, see **GOVERNMENT INSTITUTIONS**  
 Boards, see **GOVERNMENT INSTITUTIONS**  
 Colleges, § 2:6  
 Commissions, see **GOVERNMENT INSTITUTIONS**  
 Governing bodies of occupations, § 2:7  
 Governing bodies of professions, § 2:7  
 Government departments, § 2:3  
 Government ministries, § 2:3  
 Health care bodies, § 2:6  
 Hospitals, § 2:6  
 Local boards, § 2:5  
 Local commissions, § 2:5  
 Municipal corporations, § 2:5  
 Social service establishments, § 2:6  
 Universities, § 2:6

**INTERGOVERNMENTAL RELATIONS**

See **FEDERAL-PROVINCIAL AFFAIRS**

**INTERNATIONAL AFFAIRS**

See **NATIONAL SECURITY AND DEFENCE**

**INVASION OF PRIVACY**

Generally, **APP IF § IF:1**

**INVESTIGATION**

Law enforcement, see **LAW ENFORCEMENT**  
 Review of access decisions, see **RESOLUTION PROCESSES**

**JUDICIAL REVIEW**

See also **THIRD PARTY RIGHTS TO PREVENT DISCLOSURE OF PERSONAL INFORMATION**

Appellate courts

generally, § 7:2 to § 7:6  
 conditions for launching application, § 7:3  
 parties to application, § 7:3  
 role of Federal Information Commissioner, § 7:4  
 time for launching application, § 7:3  
 who can launch application, § 7:3

Decision to disclose information, of

generally, § 5:31 to § 5:34  
 absence of standing, § 5:32  
 disposition of review application, § 5:34  
 federal review process, § 5:34  
 notice and review of decision not to disclose, § 5:33  
 provincial review processes, § 5:34  
 review of decision to disclose, § 5:34  
 standing to seek review, § 5:34

## GOVERNMENT INFORMATION

### JUDICIAL REVIEW—Cont'd

- Decision to disclose information, of—Cont'd
  - third party arguments for non-disclosure in federal review process, § 5:34
  - time for applying for review, § 5:34
- In respect of the management of personal information, § 7:6
- Special rules for some applications, § 7:16 to § 7:18
- Standard of review, § 7:7 to § 7:15
  - burden on application, § 7:9

### LANGUAGE OF ACCESS

- See also GOVERNMENT REQUESTS
- Generally, § 3:13
- Language of record, § 3:13
- No right to require translation, § 3:13

### LAW ENFORCEMENT

- See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS
- Generally, § 4:7
- Collection of personal information for purpose of, § 8:9
- Disclosure of information likely to prejudice fair trial, § 4:7
- Disclosure of personal information for purpose of, § 8:19
- Information relating to, § 4:7
- Investigation, definition of, § 4:7
- Investigations, information relating to, § 4:7
- Other police forces, information obtained from, § 4:7
- RCMP while under contract with province, information obtained by, § 4:7

### LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (SASKATCHEWAN)

- Generally, APP B17 § B17:1 et seq.

### LOCATING AND IDENTIFYING GOVERNMENT INFORMATION

- See also GOVERNMENT INFORMATION
- Generally, § 2:10, § 2:11
- Targeting government institution generally, § 2:10
  - information held between two institutions, § 2:10
  - jurisdiction shopping for information, § 2:10
  - misdirected request, § 2:10
  - records transferred to archives, § 2:10
  - redirection of request, § 2:10
  - transfer of request, § 2:10
- Using access guides, § 2:11
  - classification of records to facilitate access, § 2:11

### MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (ONTARIO)

- Generally, APP B12 § B12:1 et seq.

### NATIONAL SECURITY AND DEFENCE

- See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS
- Generally, § 4:6
- Defence and security, § 4:6
- Protection in absence of express exemption, § 4:6
- Related federal exclusions, § 4:6
- Related federal exemptions, § 4:6
- Scope of exemption, § 4:6
- Security of property, § 4:6
- Security of systems, § 4:6

### OTHER GOVERNMENTS, INFORMATION FROM

- See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS

**OTHER GOVERNMENTS,  
INFORMATION FROM**

**—Cont'd**

- Generally, § 4:4
- Discretionary exemption, § 4:4
- Governmental purposes, information obtained for, § 4:4
- International organizations, information from, § 4:4
- Mandatory exemption, § 4:4
- No basis for continuing exemption on consent, § 4:4
- No basis for continuing exemption on publication, § 4:4
- Obligation of confidentiality, § 4:4
- Overrides in event of consent, § 4:4
- Overrides in event of publication, § 4:4
- Related federal exclusion, § 4:4
- Seeking consent to disclosure, § 4:4
- Sources of intergovernmental information, § 4:4

**PERSONAL INFORMATION**

- Access request for personal information, see ACCESS REQUESTS
- Accuracy of personal information, see ACCURACY OF PERSONAL INFORMATION
- Collection of, see COLLECTION OF PERSONAL INFORMATION
- Definitions of
  - generally, § 8:3
  - application of privacy legislation, § 8:3
  - consequences if information is not personal, § 8:3
  - general definition, § 8:3
  - information about individual versus information identifying individual, § 8:3
- Disclosure of, see DISCLOSURE OF PERSONAL INFORMATION

**PERSONAL INFORMATION**

**—Cont'd**

- Disposal of personal information, see DISPOSAL OF PERSONAL INFORMATION
- Examples of, § 8:4
- Exclusions and exemptions to right of access
  - generally, § 4:10
  - access may be denied, personal information to which, § 4:10
  - another individual, personal information about, § 4:12
  - correctional and security matters, personal information regarding, § 4:14
  - exempt banks of personal information, § 4:13
  - health and safety, personal information prejudicial to, § 4:11
  - other types of personal information, § 4:15
  - similarity of exemptions in legislation, § 4:10
- Exclusions from, § 8:6
- Importance of meaning of “personal information,” § 8:2 to § 8:7
- Individual’s name as, § 8:5
- Introduction
  - generally, § 8:1 to § 8:38
  - access procedures under privacy and access legislation, § 8:1 to § 8:38
  - objectives and scope of privacy legislation, § 8:1 to § 8:38
  - separate federal and New Brunswick Acts, § 8:1 to § 8:38
- Protection against disclosure of, § 5:3
  - see also DISCLOSURE OF PERSONAL INFORMATION
- Retention of personal information, see RETENTION OF PERSONAL INFORMATION

## GOVERNMENT INFORMATION

### PERSONAL INFORMATION

#### —Cont'd

Right to personal information not relating to requester, see PERSONAL INFORMATION NOT RELATING TO REQUESTER

Third party rights to prevent disclosure of, see THIRD PARTY RIGHTS TO PREVENT DISCLOSURE OF PERSONAL INFORMATION

Unrecorded information, § 8:7

Use of, see USE OF PERSONAL INFORMATION

### PERSONAL INFORMATION NOT RELATING TO REQUESTER

See also STATUTORY RIGHT OF ACCESS

Generally, § 2:12

Disclosure on consent, § 2:14

Exceptions to general prohibition, § 2:14

General prohibition, § 2:13

Other grounds for disclosure, § 2:14

Right to, § 2:12 to § 2:15

Types of personal information subject to disclosure

generally, § 2:15

discretionary benefits, § 2:15

government employee information, § 2:15

licences, § 2:15

ordinary vs. extraordinary, § 2:15

permits, § 2:15

### PRIVACY

Privacy rights, APP IF § IF:1

Reasonable expectation, APP IF § IF:2

### PRIVACY ACT (CANADA)

Generally, APP A2

### PUBLISHED AND SOON-TO-BE PUBLISHED INFORMATION

See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS

### PUBLISHED AND SOON-TO-BE PUBLISHED INFORMATION

#### —Cont'd

Generally, § 4:25

Government manuals, obtaining access to, § 4:25

Pending publication exemption, misuse of, § 4:25

Public offices, information available in, § 4:25

Published version and original, differences between, § 4:25

### RECORDS

Archives, transferred to, § 2:10

Format, see FORMAT OF RECORDS

Government records, see GOVERNMENT INFORMATION

Language of record, § 3:13

Legislation, subject to, see RECORDS SUBJECT TO ACCESS LEGISLATION

### RECORDS SUBJECT TO ACCESS LEGISLATION

See also STATUTORY RIGHT OF ACCESS

Generally, § 2:8, § 2:9

Government information, see GOVERNMENT INFORMATION

Nature of record

generally, § 2:8

advantage of obtaining access to pre-Statute records, § 2:8

definitions of “records,” § 2:8

excluded records, § 2:8

institutions not obliged to create records, § 2:8

records in existence before legislation, § 2:8

requirement to use available software, § 2:8

**REQUESTERS**

See also GOVERNMENT  
REQUESTS  
Assistance to, § 3:6  
Duty to assist, § 3:6  
Policy guides, § 3:6  
Role of access co-ordinators, § 3:6

**REQUESTS**

See ACCESS

**RESOLUTION PROCESSES**

See also COMPLAINTS TO INDE-  
PENDENT REVIEW  
AUTHORITY

Generally, § 6:3

Adjudication

generally, § 6:5

finality of review, § 6:5

mediation function, § 6:5

respect for institution's exercise  
of discretion, § 6:5

Complaints into matters other than  
non-disclosure of information

generally, § 6:6

access guides, § 6:6

fees, § 6:6

manner of access, § 6:6

other complaints, § 6:6

time delays, § 6:6

Investigation

generally, § 6:4

recommendation, § 6:4

representations, § 6:4

response to recommendation,  
§ 6:4

**RESPONSE TO REQUEST**

See also GOVERNMENT  
REQUESTS

Possible reasons for refusal, § 3:16

Refusal of request

generally, § 3:16

challenging refusal based on non-  
application of access statute,  
§ 3:16

**RESPONSE TO REQUEST**

—Cont'd

Refusal of request—Cont'd

changing reasons for refusal,  
§ 3:16

content of notice of refusal,  
§ 3:16

deemed refusal, § 3:16

Right to decline to act on access  
request, § 3:15

obligation to process all requests  
on usual basis, § 3:15

**RETENTION OF PERSONAL  
INFORMATION**

See also PERSONAL INFORMA-  
TION

Generally, § 8:32 to § 8:37

Manner of retention, § 8:34

exempt personal information  
banks, § 8:35

guides to locating personal infor-  
mation, § 8:34

personal information banks,  
§ 8:34

Minimum period of retention,  
§ 8:33

Recovery of unlawfully possessed  
personal information, § 8:38  
retention requirement based on  
use, § 8:33

Territorial concerns relating to  
protection and retention of  
personal information, § 8:37

British Columbia, § 8:37

Nova Scotia, § 8:37

Quebec, § 8:37

**REVIEWING OFFICER**

See also COMPLAINTS TO INDE-  
PENDENT REVIEW  
AUTHORITY

Generally, § 6:2

Commissioner, § 6:2

Immunity, § 6:8

Judge, § 6:2

GOVERNMENT INFORMATION

**REVIEWING OFFICER—Cont'd**

Non-judicial reviewing officer,  
§ 6:2

Ombudsman, § 6:2

**REVIEW OF ACCESS  
DECISIONS**

See COMPLAINTS TO INDEPENDENT REVIEW AUTHORITY

**REVIEW PROCESS**

See also COMPLAINTS TO INDEPENDENT REVIEW AUTHORITY

Fees payable, § 6:1

Form of application, § 6:1

Grounds for review, § 6:1

Initiation of, § 6:1

Notice of complaint, § 6:1

Request for review forms, APP C

Time for applying for review, § 6:1

**RIGHT TO INFORMATION AND  
PROTECTION OF PRIVACY  
ACT (NEW BRUNSWICK)**

Generally, APP B7 § B7:1 et seq.

**SAFETY OR HEALTH**

See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS

Generally, § 4:8

Disclosure of information which would endanger, § 4:8

Federal exemption, § 4:8

Provincial exemptions, § 4:8

Standard of proof, § 4:8

**SEARCH WARRANT**

Warrantless search, APP IF § IF:2

**SECURITY**

See NATIONAL SECURITY AND DEFENCE

**SEVERANCE**

See also GOVERNMENT REQUESTS

**SEVERANCE—Cont'd**

Generally, § 3:17

Reasons for partial withholding of information, § 3:17

Review of partial withholding of information, § 3:17

When severance must be made, § 3:17

**SOLICITOR-CLIENT  
PRIVILEGE**

See also EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS

Generally, § 4:19

Disclosure exemption, rationale for, § 4:19

Exercise of discretion, § 4:19

Extended exemption, § 4:19

Government service, in, § 4:19

Nature of, § 4:19

Private sector client, in favour of, § 4:19

Severability of information protected by, § 4:19

Solicitor's retainer and accounts, § 4:19

Waiver of, § 4:19

**SOON-TO-BE PUBLISHED  
INFORMATION**

See PUBLISHED AND SOON-TO-BE PUBLISHED INFORMATION

**STATUTORY RIGHT OF ACCESS**

Access requests, see ACCESS REQUESTS

Correction and notation of personal information, see CORRECTIONS AND NOTATIONS OF PERSONAL INFORMATION

Institutions subject to legislation, see INSTITUTIONS SUBJECT TO ACCESS LEGISLATION

**STATUTORY RIGHT OF ACCESS  
—Cont’d**

- Locating and identifying government information, see **LOCATING AND IDENTIFYING GOVERNMENT INFORMATION**
- Publication of expense reports of ministers, § 2:28
- Records subject to legislation, see **RECORDS SUBJECT TO ACCESS LEGISLATION**
- Right to personal information not relating to requester, see **PERSONAL INFORMATION NOT RELATING TO REQUESTER**

**THIRD PARTY INFORMATION**

- See also **EXCLUSIONS AND EXEMPTIONS TO RIGHT OF ACCESS**
- Generally, § 4:16, § 5:1
- Beneficial information, see **BENEFICIAL INFORMATION**
- Commercial information, see **COMMERCIAL INFORMATION**
- Disclosure in other circumstances, § 5:21, § 5:32
- Disclosure on consent, § 5:20
- Effect of overrides, § 5:19
- Exemptions, § 5:17 to § 5:21
  - supplementary federal exemptions, § 5:10
- Financial accounts, § 5:16
- Financial assistance, § 5:16
- General principles, § 5:2 to § 5:16
- Harmful information, see **HARMFUL INFORMATION**
- Tax forms, § 5:16
- Trade secrets, see **TRADE SECRETS**

**THIRD PARTY RIGHTS TO PREVENT DISCLOSURE OF PERSONAL INFORMATION**

- Consultation process, see **CONSULTATION PROCESS**

**THIRD PARTY RIGHTS TO PREVENT DISCLOSURE OF PERSONAL INFORMATION  
—Cont’d**

- Judicial review of decision to disclose information, see **APPEALS; JUDICIAL REVIEW**
- Recourses of third parties, see **JUDICIAL REVIEW**

**TORTS**

- Invasion of privacy, **APP IF § IF:1, § 7:13**

**TRADE SECRETS**

- See also **THIRD PARTY INFORMATION**
- Generally, § 5:4
- Form of exemption, § 5:4
- Trade secrets in breach of confidence actions, § 5:4
- Trade secrets vs. commercial information, § 5:4

**TRIBUNALS**

- Generally, § 2:4
- In camera proceedings of federal tribunal, § 2:4
- In camera proceedings of provincial tribunal, § 2:4
- Records of tribunal proceedings, § 2:9
- Tribunal records, § 2:9

**UNLAWFUL POSSESSION OF PERSONAL INFORMATION**

- Recovery, § 8:38

**UNREASONABLE SEARCH AND SEIZURE**

- Generally, **APP IF § IF:2**

**USE OF PERSONAL INFORMATION**

- See also **PERSONAL INFORMATION**
- Generally, § 8:12



GOVERNMENT INFORMATION

**USE OF PERSONAL  
INFORMATION—Cont'd**  
Currency and accuracy of personal  
information used, § 8:13  
Requirement to publish each use,  
§ 8:14

**USE OF PERSONAL  
INFORMATION—Cont'd**  
Use for consistent purpose, § 8:12