



Centreville Community School". Please note that under the *Right to Information Act*, Section 6, there is no access to information where its release:

- a) would disclose information the confidentiality of which is protected by law;
- b) would reveal personal information concerning another person.

Pursuant to Section 1 of the *Right to Information Act*, "personal information means information about an individual who can be identified by the contents of information because the information

- a) includes the individual's name
- b) makes the individual's identity obvious, or
- c) is likely in the circumstances to be combined with other information that includes the individual's name or makes the individual's identity obvious."

Due to the fact that the person's identity cannot be protected, the provisions of the *Right to Information Act* as well as the *Protection of Personal Information Act* limit our discretion.

3. Following the filing of the petition, and our notification letter, the Minister forwarded a copy of the requested report to my Office for the purpose of an *in camera* review, pursuant to subsection 7(4) of the Act.
4. Having reviewed the document and the exemptions invoked, I am of the view that the report requested should be released to the petitioner.
5. The Comptroller's report is a thorough analysis of the Centreville Community School Student Council Account for the 2002-03 and 2003-04 fiscal years and provides several recommendations to enhance internal controls over student council accounts. The Department of Education asked the Comptroller's Office to conduct the review in June 2005 and the Final report, which is the subject of this access request, was completed in December 2005.
6. The report consists of ten pages overall and does not identify any person, whether the student council representatives, nor the teacher responsible for the accounts, nor the principal by name, nor does it make any individual's identity obvious.
7. At best, the basis for the exemption is that should the report be released it would be easy for district employees, parents and students in the Centreville area who obtained such information to identify the teacher, administrators or pupils whose conduct may have been the subject of comment in the report, and whose identity may be a matter of some local notoriety, and to thereby obtain information about those individuals.

8. In my view that is not a sufficient basis to ground the exemption or to oppose the overarching purpose of the Act which is to promote transparency and openness in public administration.
9. Fundamentally, I reach this conclusion on the basis that the information contained in the report, even if “likely to be combined [in the Centreville area] with other information that includes the individual’s name”, does not constitute information “about an identifiable individual” within the meaning of the terms “personal information” and “identifiable individual” under the Act.
10. The report does not cast aspersions or comment in any way about individuals. The conclusions drawn regarding the conduct of teachers, administrators or students, if any, are entirely related to the conduct of those individuals in their employment or official capacity.
11. The proper accounting and administration of student council funds in the province is an inherently public matter of singular importance. Young leaders in our school communities are taught through these means a great deal about the importance of sound accounting practices and good governance. It is important that teachers and administrators use every opportunity to set a proper model for student leaders in this respect. In this respect, the release and dissemination of the Comptroller’s report, particularly his recommendations, has much to recommend it.
12. In recent recommendations from this office I have had opportunity to comment upon the need to balance the public interest in disclosure against the private interests in protecting the confidentiality of personal information, when paragraph 6 b) or b.1) exemptions are invoked. This is not a case, in my view, where the private interests at stake, would weigh very much in the balance as opposed to the public interest in disclosure. I am further strengthened in this view considering the fact that the petitioner is clearly requesting this information as chairperson of the PSSC and not for any deleterious purpose. On balance however, I do not find it necessary or advisable to even engage in such an analysis in the context of this petition, since in my view there is no personal information relating to an identifiable individual that could be disclosed by the report’s release or ground the exemption invoked by the Minister.
13. Finally, it would appear further from the petitioner’s initial request that there was already some disclosure of the report in the context of the PSSC’s January 12, 2006 meeting. If in fact the document has previously been published in this manner, the Minister should not now invoke the paragraph 6 b) exemption after the fact.

14. I am in fact concerned that the department's scrupulous regard for its legal obligations under the *Protection of Personal Information Act* would be taken so far as to shield from release and public scrutiny an internal report of the Office of the Comptroller for the Province of New Brunswick that sheds light on areas of maladministration and mismanagement in the accounting of public funds, and indeed funds held in trust for the advancement and benefit of school pupils in this Province. This case strikes me as a clear example of the fact that, in some respects, the pendulum of privacy protection as swung far enough, and that it is time for administrators and public officials to give equal importance and weight to the principles of open government and transparency.
15. **In light of the foregoing, I recommend that the Comptroller's report "Review of Student Council Account: Centreville Community School" be released to the petitioner.**

Dated at Fredericton, this 11<sup>th</sup> day of May, 2006.

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**Bernard Richard, Ombudsman**