



would reveal personal information concerning another person, and/or personal information concerning the petitioner which was provided confidentially by a third party.

3. The relevant legislative provisions under the *Right to Information Act* read as follows:

“personal information” means information about an identifiable individual;

...

“identifiable individual” means 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;

...

6. There is no right to information under this Act where its release
- (a) would disclose information the confidentiality of which is protected by law;
  - (b) would reveal personal information concerning another person;
  - (b.1) would reveal personal information concerning the petitioner that
    - (i) was provided by another person in confidence, or is confidential in nature

...

4. I have recently had occasion to comment upon s. 6 exemptions under the *Right to Information Act*, in the matter of *Whittaker v. Dubé*. (NBRIOR 2006-02). It is unnecessary to repeat that analysis here, save to reiterate that it is sometimes appropriate, where privacy interests and access to information interests are in conflict, to balance those interests one against another.
5. In the present case, I conducted an *in camera* review of the documents at issue on April 27, 2006. My examination of the materials sought by the petitioner confirms that they do indeed contain personal information relating to parties other than the petitioner, and that this information cannot reasonably be severed from the materials as a whole. Nor is there a compelling public interest in the disclosure of the materials, such that it would be appropriate to weigh this interest against the privacy rights at stake. I am therefore satisfied

that the South-East Regional Health Authority's refusal to grant the petitioner's request was justified.

- 6. In light of the foregoing, I find no basis upon which to recommend the disclosure in whole or in part of the documents sought by the petitioner; rather, I would confirm the rectitude of the Health Authority's decision to withhold the documents in question.**

**Dated at Fredericton, this 31<sup>th</sup> day of May, 2006.**

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**Bernard Richard, Ombudsman**