

4. There is no doubt in my mind that the information sought by the petitioner in this case does constitute personal information of another. By identifying the civic address where the spill occurred the Minister would be disclosing information which most property owners, similarly situated, would clearly want to keep confidential.
5. I note that the *Clean Environment Act* has provisions which allow the Minister broad powers to investigate any contamination of the Environment, including those in section 5.01, which provides in part as follows:

... if the Minister, on reasonable and probable grounds, is of the opinion that a contaminant or waste is being released into or upon the environment or any part of the environment, the Minister, together with such persons, materials and equipment as the Minister considers necessary, may enter upon any land or premises, using the force the Minister considers necessary, and may take such further action the Minister considers necessary in order to control, reduce or eliminate the release of the contaminant or waste and remedy the situation.
6. It may be that in this case the Minister was satisfied that no further action under the Act was required to address the spill which the petitioner is inquiring about, or that it poses no threat of risk to the petitioner or other neighbours nearby. If so this matter might be materially advanced by having the petitioner ask directly of the Minister whether the incident in question puts her property at any risk and if not what reasons the Minister may have upon which to found his belief. All of this could be done in a manner which is respectful of the privacy interests of the property owner in question.
7. I find no error in the Minister's decision to refuse disclosure of the information requested for the reasons stated.

Dated at Fredericton, this 14th day of April, 2008.

Bernard Richard, Ombudsman