

**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:**                **Z.Y.,**

the petitioner

**And:**

**Thomas J. Burke,  
Attorney General and Minister of Justice and  
Consumer Affairs**

The Minister

**RECOMMENDATION**

**FACTS:**

1. This referral, forwarded on February 27, 2008, arises out of an access to information request by the petitioner submitted to the Minister on January 20, 2008. The petitioner was seeking and continues to seek “all information/documentation (paper, computer or otherwise) regarding representation by non-lawyer agents in Provincial court, pursuant to the Criminal Code or the Provincial Offences Procedure Act”.
2. The Attorney General’s response, dated February 25, 2008, indicated that the Department had information relevant to the request but that the information was

exempt under paragraph 6(d) of the Act as it was obtained in confidence from another government.

3. The matter was then referred to this office on February 27, 2008. On March 14, 2008 my officer met with departmental officials to review the responsive record to this request. In fact the only responsive record identified by the department was a one page record from previous federal/provincial/territorial meetings where another government commented upon a matter in their jurisdiction which was related to the petitioner's access request. In my view there is some question as to whether this is in fact a responsive record to the petitioner's request. However, I have no hesitation in concluding from the face of the record itself that it falls within the exemption contemplated in paragraph 6(d) of the *Right to Information Act*. That is sufficient to dispose of the matter.
4. **In conclusion I find no reason to recommend that the Minister revisit the response to this access request.**

**Dated at Fredericton, this 9th day of July, 2008.**

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**Bernard Richard, Ombudsman**