



**Department of Justice and Public Safety**  
**Adult Custody Services**

Policy: **Client Access to own file information E17**  
Effective: March 2001  
Revised: December 2022

---

**MISSION STATEMENT**

---

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices, incorporate transparent policies and procedures, ensure independent quality assurance processes, and provide program access that allows for educational, cultural, traditional, and faith-based services as well as mental wellness and community re-entry assistance.

---

**PURPOSE**

---

To outline procedural standards for the accommodation of a clients right to access their own file information.

---

**LEGISLATIVE AUTHORITY**

---

[Protection of Personal Information Act](#)  
[Right to Information and Protection of Privacy Act](#)

---

**SCOPE**

---

This policy applies to all employees of the Adult Custody Services division of the Department of Justice and Public Safety.

---

**POLICY GUIDELINES**

---

The Department of Justice and Public Safety recognizes the right of an individual to have access to information contained in files maintained by the Department, which serves to personally identify them.

---

**PROCEDURE**

---

**Ownership of file**

The Department has the property right of the record, which is maintained for the benefit of:

- the individual upon whom the record is compiled.
- the employees who are involved in delivering service to the individual,
- the Department; and
- the courts.

**Protection of information**

It is the responsibility of the Department to safeguard the information against:



## Department of Justice and Public Safety *Adult Custody Services*

- loss.
- tampering.
- unwarranted access; or
- use by unauthorized persons.

### **Information released with signed authorization**

Information may be released from the record of the individual to that individual, upon whom the record is compiled, with written authorization by that individual.

### **File may not be altered by client**

The client may not alter information contained in the original record. If there is a question as to the accuracy of the information, the client will inform the designate of the Superintendent, who will:

- if in agreement there is an inaccuracy, make the change necessary; or
- if not in agreement with the information provided by the client, note the discrepancy in the file

### **Right to use Right to Information Act**

When a client wishes to access information in his file, like any citizen, he has the right to use procedures available under the New Brunswick *Right to Information Act*. It is however less cumbersome for all concerned if Departmental officials can adequately respond to the request, without the formal use of the *Act*. Nevertheless, the principles of the *Act* must always be followed.

### **Letter of request required**

A letter of request should be addressed to the Superintendent or designate each time a request is made. If a client cannot write the letter personally, a staff member shall assist.

### **Staff to assist if necessary**

A person, designated by the Superintendent to handle such requests, should speak with the client to determine exactly what information the client is seeking. If the client requires information within a very narrow scope, a good deal of unnecessary work can be avoided.

### **Information prepared**

When the client has identified what information he wants, the person handling the request will prepare photocopies of the information, taking care to ensure that safety and security is not compromised, and that no other person's rights are infringed upon. See:

- Policy C-12 *Access to File Information* (Adult Institutions Manual); as well as the
- Policy C-4 *Right to Information Act – Responses to Citizens* (Policy, Planning & Public Affairs Operations Manual)
- *Right to Information Act*; and the
- *Protection of Personal Information Act* cited below.

### **Original Documents**

Original file documents, if they contain no information which must be removed before release, may be shown to a client if they never leave the direct observation and hands-on supervision of the Superintendent's designate. Original file documents will never be provided to a client, either to review without direct supervision or to carry away.



**Department of Justice and Public Safety**  
**Adult Custody Services**

**Fees for copies may be forgiven**

Regulations under the *Right to Information Act* permit collection of \$.10 per page of information copied in response to a request under that *Act*. The Superintendent may wish to consider on a case-by-case basis, depending upon the volume of work involved, if it is necessary to charge a similar fee.

**Timeline**

Requests for personal information should receive a response from the Superintendent or designate within 30 calendar days of receipt of the request.

**Privacy ensured**

Privacy in the living areas of a adult custody institution is difficult to ensure, including safe storage of personal information documents in the living area. Clients should be permitted to inspect the copies of documents they are provided, under the supervision of the designate of the Superintendent. The copies then should be placed in safe storage, with the client's personal belongings or, with the client's permission; they should be mailed to the client's home.

---

**RELATED POLICY**

---

C4 Rights to Information Act- Responses to Citizens  
Policy, Planning & Public Affairs Operational Manual

C12 Access to File Information  
G21 Confidentiality of Medical Information  
Adult Institutional Policy Manual N.B