

MANITOBA OMBUDSMAN PRACTICE NOTE

Practice Notes are prepared by Manitoba Ombudsman to assist persons using the legislation. They are intended as advice only and are not a substitute for the legislation.

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CHECKLIST: CONTENTS OF A COMPLETE RESPONSE UNDER *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)*

A public body is required to respond to a FIPPA applicant in writing and, in most situations, within 30 days after receiving the request (subsection 11(1)). Section 12 of FIPPA sets out the specific information that must be included in a public body's response as follows:

Contents of response

12(1) *In a response under section 11, the head of the public body shall inform the applicant*

- (a) whether access to the record or part of the record is granted or refused;*
- (b) if access to the record or part of the record is granted, where, when and how access will be given; and*
- (c) if access to the record or part of the record is refused,*
 - (i) in the case of a record that does not exist or cannot be located, that the record does not exist or cannot be located,*
 - (ii) in the case of a record that exists and can be located, the reasons for the refusal and the specific provision of this Act on which the refusal is based,*
 - (iii) of the title and business telephone number of an officer or employee of the public body who can answer the applicant's questions about the refusal, and*
 - (iv) that the applicant may make a complaint to the Ombudsman about the refusal.*

Manitoba Ombudsman has developed the following checklist for public bodies as a reminder of the elements to be included when issuing response letters.

CHECKLIST: CONTENTS OF A COMPLETE RESPONSE UNDER FIPPA

- Date of response letter**
- Date access request was received**
- Reiteration of the access request**

Inform the applicant whether:

- Access is granted in full; and
- Where, when and how access will be given.

OR

- Access is granted in part; and
- Where, when and how access will be given.

OR

- Access is refused in full.

Where access to the record or part of the record is refused:

▪ Inform the applicant:

In the case of a record that does not exist or cannot be located:

- Inform that the record does not exist or cannot be located quoting this provision; and
- Provide a brief explanation (e.g. of how and where the search was conducted or why the record does not exist).

OR

In the case of a record that exists and can be located:

- Explain the reasons for the refusal; and
- Quote the specific provision(s) of FIPPA on which the refusal is based.

▪ Contact Information

- Provide the title and business telephone number of an officer or employee of the public body who can answer the applicant's questions about the refusal.

▪ Complaint to Ombudsman

- Inform the applicant that a complaint about the refusal may be made to the Ombudsman, on the prescribed form, within 60 days and provide contact information for the Manitoba Ombudsman, 750-500 Portage Avenue, Winnipeg, Manitoba, R3C 3X1.