

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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RESPONDING TO A COMPLAINT ABOUT A FEE ESTIMATE UNDER *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)*

Under FIPPA (subsection 59(1)), an applicant has a right to make an access complaint to the Ombudsman about any decision, act or failure to act by a public body that relates to the request. This includes a complaint about a decision that certain fees apply to the request. This Practice Note has been prepared to assist public bodies in responding to this type of complaint.

When Manitoba Ombudsman investigates a complaint concerning a fee estimate, information would be requested from the public body about the complaint. There is certain information that would be relevant to any complaint about a fee estimate, which is outlined below. There could be other information relevant to a particular complaint that may also be requested from a public body.

For a complaint about a fee estimate, a public body would be asked by our office to:

1. provide a copy of the application for access
2. indicate the date the application was received
3. provide a copy of the Estimate of Costs and cover letter concerning the estimate
4. describe the search and/or preparation tasks included in the estimate, and or the computer programming or data processing tasks
5. provide a copy of the public body's calculations of time for these tasks
6. explain how the amount of time for these tasks was estimated (Note: the explanation should take into consideration the full amount of time, including the first two hours)