

# MANITOBA OMBUDSMAN PRACTICE NOTE

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## MAKING A SUBMISSION TO THE OMBUDSMAN FOR AN EXTENSION LONGER THAN 30 DAYS UNDER *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)*

Under FIPPA (subsection 15(1)), a public body may extend the 30-day time limit to respond to an access application for up to an additional 30 days, or for a longer period if the Ombudsman agrees. Where a longer extension is sought, it is preferable for a public body to contact our office within the first 30 days of receiving the application, allowing enough time for our office to consider and respond to the submission. This Practice Note has been prepared to assist public bodies in making a submission for a longer extension.

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. indicate the clause under subsection 15(1) that permits the extension and explain why the clause applies to the situation
4. specify the number of days of the extended time period being sought by the public body

As each clause under subsection 15(1) contains elements that must apply to a situation in order to rely on the clause, the following outlines the clause-specific information that would be requested from a public body.

If relying on clause 15(1)(a), provide the following information to:

1. explain why the request does not contain enough detail to enable the public body to identify a requested record
2. describe the efforts made by the public body to obtain the necessary details or clarification from the applicant

If relying on clause 15(1)(b), provide the following information to:

1. describe the volume of records requested or that must be searched
2. explain why responding within the regular extension period of up to an additional 30 days would interfere unreasonably with the operations of the public body

If relying on clause 15(1)(c), provide the following information to:

1. indicate who the third party or other public body is
2. explain why the public body needs to consult with them
3. explain why the consultation is necessary before deciding whether or not to grant access to a record
4. explain why these consultations cannot be completed within the regular extension period of up to an additional 30 days