

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.

Manitoba Ombudsman
750 – 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
Phone: (204) 982-9130 Toll free 1-800-665-0531
Fax: (204) 942-7803
Web site: www.ombudsman.mb.ca

RESPONDING TO A COMPLAINT ABOUT A REFUSAL TO CORRECT PERSONAL INFORMATION 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, including a refusal to make a correction to his or her personal information under section 39. 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 refusal to make a correction, information would be requested from the public body about the complaint. There is certain information that would be relevant to any complaint about a refusal to make a correction, 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 refusal to make a correction, a public body would be asked by our office to:

1. provide a copy of record(s) containing the personal information with the information at issue highlighted or clearly identified in some other manner
2. provide a copy of the written request for correction
3. provide a copy of the public body's response to the applicant under subsection 39(3) notifying the applicant of the decision to refuse to correct the record
4. explain why the public body refused to make the requested correction