



MANITOBA  
OMBUDSMAN

# FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT INVESTIGATION REPORT

Manitoba Housing  
and Renewal  
Corporation

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No Response to  
Access Request

FILE #MO-10404  
Public Report with  
Recommendations &  
Public Body Response

Issue Date:  
August 29, 2025

Provisions considered:  
FIPPA - 11(1), 11(2)



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## SUMMARY

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This report concerns an investigation under The Freedom of Information and Protection of Privacy Act (FIPPA, or the Act) relating to an access request made to the Manitoba Housing and Renewal Corporation (the public body). The complainant made a complaint to our office that the public body did not respond to their request within the time limit of 45 days.

Based on our review, we determined that the complaint is supported because the public body failed to respond to the complainant’s request within the 45-day time limit set out under FIPPA. The Ombudsman provided a report advising the public body of the recommendation that it facilitate a response to the complainant by a specified date. The public body did not comply with the prescribed deadlines laid out under FIPPA and the Ombudsman’s recommendations but ultimately completed the actions that were recommended.

## BACKGROUND

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The complainant stated they filed an access request to the public body under FIPPA on November 21, 2024, for the video surveillance footage about the interaction between the complainant and another individual at a Manitoba Housing location. They made a complaint to our office on January 20, 2025, stating that the public body did not provide a response to their request. On receiving the complaint, we contacted the public body to

confirm if the response was outstanding and if so, the cause of the delay, and the anticipated date of response.

## INVESTIGATION AND ANALYSIS

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Under subsection 11(1) of FIPPA, public bodies in Manitoba are required to respond to access requests made under FIPPA within 45 days.

### **Time limit for responding**

**11(1)** *The head of a public body shall make every reasonable effort to respond to a request in writing within 45 days after receiving it unless*

- (a)** *the time limit for responding is extended under section 15; or*
- (b)** *the request has been transferred under section 16 to another public body.*

The failure to respond within 45 days constitutes a decision to refuse access

### **Failure to respond**

**11(2)** *The failure of the head of a public body to respond to a request within the 45-day period or any extended period is to be treated as a decision to refuse access to the record.*

On receiving the complaint, we notified the public body of our investigation and highlighted that the failure to respond within 45 days constitutes a decision to refuse access. The public body did not dispute the date on which the access request was made to it, nor their failure to respond within the legislative time limit. It informed our office that the responsive records consisted of three files of video footage. After reviewing the footage, the public body determined that information would need to be removed (redacted) because it would be excepted from disclosure under FIPPA. The public body further explained that they needed specialized software to perform the redactions, and the software needed to be approved for purchase and installed.

In February 2025, the public body advised our office that they were experiencing technical errors that were impeding the installation of the required software. We continued to request updates in March and early April, but did not hear back from the public body. On April 9 and 11, our office again followed up with the public body to inquire about the status of its response. The public body responded advising the technical issues were ongoing.

We note that the delay in responding was attributed to the public body's lack of appropriate software to sever information from video records. Our office expects all public bodies that implement surveillance systems to manage the resulting records in accordance with their obligations under FIPPA. This includes the timely processing of access requests for surveillance records and having the necessary tools and systems in place to review and sever video records where exceptions to disclosure apply to information in the records. The use of surveillance technology must be supported by the public body's capacity to manage it in compliance with FIPPA, including fulfilling access requests within the legislative time limit.

The use, management and editing of video has become a commonplace activity among the public and businesses. Neither our office nor the public would consider a public body's inability to acquire and use appropriate video editing tools a reasonable justification for delaying access under FIPPA.

## FINDINGS

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Our office considered the time limit to respond to an access request set out under FIPPA, and whether the public body made every reasonable effort to respond to the request in writing within 45 days.

Our investigation found that the public body did not provide a response within the 45-day time limit and did not make every reasonable effort to respond without delay. While our office recognizes the public body needed to acquire the necessary software to perform redactions under the Act, the public body had already reviewed the videos and determined that severing was required because some information was subject to exceptions to disclosure under FIPPA.

With this knowledge, the public body could have considered providing an access decision in writing within the 45-day time limit. As part of the decision, they would have been required under section 12 of FIPPA to advise the complainant about when, where and how access to the records would be given, if this aspect of the decision was going to be delayed. It is our view that the public body should have taken action to ensure it was able to meet the deadline to respond to the request and to acquire and use the software to prepare the records for release within the time limit or as soon as reasonably possible after that.



It is now almost five months since the complainant submitted an access to information request and the public body's response remains outstanding. Our office was not able to successfully resolve this matter during the course of the investigation.

## RECOMMENDATION & REQUIREMENT TO RESPOND

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### Recommendation

Based on our finding, the Ombudsman recommends that the public body provide an access decision in writing to the complainant by no later than April 24, 2025, in accordance with the requirements of section 12 of FIPPA, including specifying when, where and how access will be given to portions of the video records. The Ombudsman also recommends the public body prepare and provide the requested video records to the complainant by no later than May 8, 2025.

### Requirement to Respond to the Recommendations

Under subsection 66(4), the public body must respond to the Ombudsman's report in writing within 15 days of receiving our report. The head would be required to respond by **May 1, 2025**. If the public body accepts the recommendations, subsection 66(6) requires the head of the public body to comply with the recommendations within 15 days of acceptance of the recommendations or within an additional period if the Ombudsman considers it to be reasonable.

## HEAD'S RESPONSE TO THE RECOMMENDATIONS

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When we did not receive a response to the report with recommendations within the time limit specified by FIPPA, we had several further communications with the public body about whether the recommendations were being accepted and if so, when they would be implemented. On June 6, 2025, the public body wrote to our office confirming that they accepted the recommendations and intended to provide a decision letter to the complainant by June 13, 2025.

On June 13, 2025, the complainant advised our office that they received the public body's decision that granted access to the requested video footage in part. As confirmed by the



public body, they invited the complainant to attend their office on June 20, 2025, at 3:00 pm, to view the redacted video footage.

The actions taken by the public body demonstrate they have implemented the recommendations for issuing a written access decision and providing access to the records, however, the response and implementation took place outside of the required time limits. The public body did not request an extension to the timeline to fulfill the recommended action.

## CONCLUSION

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The public body failed to meet the timelines required both by FIPPA and the recommendations of the Ombudsman:

1. Our office recommended the public body provide a written access decision to the complainant on or before April 29, 2025, but the complainant received the access decision on June 13, 2025.
2. The public body did not respond to the Ombudsman's recommendations within the 15-day time limit, on or before May 7, 2025, as set out in subsection 66(4) of FIPPA. Instead, the public body confirmed their acceptance of the recommendations on June 6, 2025.
3. Our office recommended the public body provide access to the complainant on or before May 13, 2025, but the complainant was invited to view the video footage on June 20, 2025.

In conclusion, the public body did not comply with the prescribed deadlines laid out under FIPPA and the Ombudsman's recommendations. Nevertheless, it should be noted that the public body ultimately completed the actions that were recommended.

Manitoba Ombudsman  
August 2025

This report is available in alternate formats upon request.  
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