

Manitoba Ombudsman

REPORT UNDER

THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

CASES 2012-0017 and 2012-0018

CITY OF WINNIPEG PUBLIC WORKS DEPARTMENT

ACCESS COMPLAINTS: REFUSAL OF ACCESS

REPORT ISSUED ON FEBRUARY 19, 2013

SUMMARY: The applicant requested access to copies of privacy policies and/or procedures in force between January 1, 2010 and October 21, 2011 that relate to the use of Global Positioning System (GPS) technology to monitor vehicles and employees of the City of Winnipeg, Public Works Department, [name of Division removed] (the public body). In its responses, the public body advised the applicant that access to the requested information could not be granted on the basis that the records do not exist. The applicant believed the public body ought to have policies and procedures in place when using GPS technology. Our office found that the public body had conducted a reasonable search for responsive records and the decision to refuse access was in compliance with FIPPA. The complaints are therefore not supported.

THE COMPLAINTS

On October 20, 2011, the applicant, who is an employee of the Public Works Department, [name of Division removed] in the City of Winnipeg (the public body), requested access to the following records under *The Freedom of Information and Protection of Privacy Act* (FIPPA):

Case: 2012-0017

Copies of relevant privacy policies and/or procedures in force between January 1, 2011 to the present date that relate to the use of Global Positioning System (GPS) technology to monitor vehicles and/or employees of the City of Winnipeg, Public Works Department, [name of Division removed].

Case: 2012-0018

Copies of relevant privacy policies and/or procedures in force between January 1, 2010 and December 31, 2010 that relate to the use of Global Positioning System (GPS) technology to monitor vehicles and/or employees of the City of Winnipeg, Public Works Department, [name of Division removed].

In its responses to the applicant dated November 17, 2011, the public body advised the applicant that access to the requested information could not be granted on the basis that the records do not exist.

The applicant believed that the public body should have written internal policies and/or procedures related to the use of GPS technology. Complaints were subsequently made to our office on January 17, 2012. Our office investigated these complaints to determine whether the public body had conducted an adequate search for the responsive records.

INVESTIGATION

In considering a complaint about the adequacy of a public body's search for records, we look at whether the circumstances show that reasonable efforts were made to locate responsive records.

We asked the public body about its search for records responsive to the complainant's request. The public body advised that it had reviewed the content of the following documents, which might be expected to speak to the use of GPS technology:

- City of Winnipeg Employee Orientation package
- City of Winnipeg Employee Code of Conduct
- City of Winnipeg official Internet and Intranet websites
- City of Winnipeg Corporate Directives
- City of Winnipeg Administrative Standards
- Public Works Department Directives
- [name of Division removed] – Employee Handbook 2010 and 2011
- [name of Division removed] – Seasonal Employee Orientation PowerPoint presentation 2010 and 2011 and
- [name of Division removed] – Foreman/Supervisor Manual 2009

The public body reaffirmed that there are no records that exist which contain policies and/or procedures related to the use of GPS technology to monitor vehicles and/or employees of the City of Winnipeg, Public Works Department, [name of Division removed].

Our office is satisfied, based on the above considerations, that the public body conducted a reasonable search for records responsive to the requests and the decision to refuse access was in compliance with FIPPA.

CONCLUSION

Based on our findings, the complaints are not supported.

In accordance with subsection 67(3) of *The Freedom of Information and Protection of Privacy Act*, the applicant may file an appeal of the City of Winnipeg's decision to refuse access to the Court of Queen's Bench within 30 days after receipt of this report.

February 19, 2013
Manitoba Ombudsman