

FIPPA KEY CHANGES FOR JANUARY 2022

THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

FIPPA Access Requests



- » Access requests to public bodies and complaints to the ombudsman must be in writing but there is no longer a requirement to use a prescribed form. Using a form for access requests is encouraged and public bodies may create their own forms.
- » Public bodies are required to protect an applicant's identity and any other personal information when processing an access request.



- » Public bodies may write to applicants requesting additional information that is necessary to process the access request. If an applicant does not respond within 30 days, the request can be considered abandoned.
- » The time for responding to access requests is now 45 days. There are new circumstances for extending the time limit for an additional 30 days. The ombudsman may still grant longer extensions. The time limit for transferring a request is now 10 days. Once transferred, a response is due in 45 days.



- » Public bodies may consider the number of requests made by the same or related applicants when making a decision to disregard requests.
- » Labour relations information, workplace investigations and legal privilege are new exceptions to disclosure.

Privacy Matters



- » It is now mandatory to report privacy breaches of personal information where there is a real risk of significant harm. The public body must notify both affected individuals and the ombudsman.
- » The duty to adopt reasonable safeguards to protect personal information has been strengthened. Individuals can make a complaint to the ombudsman if they believe their personal information has not been protected in a secure manner.

Other Provisions



- » Individuals may seek to correct their personal information without first having to obtain the information by making an access request. If a public body refuses to make the correction, individuals are permitted to file a statement of disagreement.
- » Employees of a public body may notify the ombudsman if they reasonably believe the public body is treating personal information in an unauthorized manner, and no adverse actions may be taken against them for doing so.

For More Detail



- » Consult Bill 49 (FIPPA) to see all amendments to the act: web2.gov.mb.ca/bills/42-3/index.php
- » Watch for upcoming webinars and new resources from both the Information and Privacy Policy Secretariat and Manitoba Ombudsman.