

# 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](http://www.ombudsman.mb.ca)

---

## RESPONDING TO A COMPLAINT ABOUT USE OF PERSONAL INFORMATION UNDER *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)*

Under FIPPA (subsection 59(3)), an individual has a right to make a privacy complaint to the Ombudsman alleging that a public body has used his or her personal information contrary to FIPPA. This Practice Note has been prepared to assist public bodies in responding to this type of complaint.

When Manitoba Ombudsman investigates a complaint concerning use, information would be requested from the public body about the individual's allegation. There is certain information that would be relevant to any complaint about a use, which is outlined below. There could be other information relevant to a particular complaint that may also be requested from a public body.

Each provision that authorizes the use of personal information has certain requirements that must be met. It is important that a public body addresses each component of these requirements.

If representations are too general or if the necessary connections between the use, the authorizing provision and the personal information are not clearly made, the representations will not establish that the provision applies.

For a complaint about use, a public body would be asked by our office to:

1. confirm whether personal information was used
2. provide a copy of the personal information that was used
3. indicate by whom the information was used
4. indicate when the information was used (the date or time frame)
5. describe how the information was used
6. indicate the clause under section 43 which authorizes the use and if relying on clause (a) or (c), specify the relevant provision of the other section and explain how it applies

7. explain the reason or purpose for the use and describe how this relates to the authorizing provision
8. explain how the use was limited to the minimum amount of information necessary to accomplish the purpose for which it was used (subsection 42(2))