

# 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 A FAILURE TO RESPOND TO AN ACCESS REQUEST 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. This includes a complaint about a failure to respond to the request. 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 failure to respond, information would be requested from the public body about the complaint. There is certain information that would be relevant to any complaint about a failure to respond, 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 failure to respond, a public body would be asked by our office to:

1. provide a copy of the application for access
2. indicate the date the application was received
3. indicate whether the public body has responded to the request
4. if a response has been made, provide a copy of the response
5. if a response has not been made, indicate when the public body expects to respond to the applicant and provide a copy of the response to us
6. if the response was not made within the time limit, explain the reason for the delay in responding