

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.

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RESPONDING TO A COMPLAINT ABOUT THE TRANSFER OF 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 decision to transfer the request to another public body. This Practice Note has been prepared to assist public bodies in responding to this type of complaint.

When Manitoba Ombudsman investigates a complaint concerning the transfer of a request, information would be requested from the public body about the complaint. There is certain information that would be relevant to any complaint about a transfer, 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 the transfer of a request, 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. provide a copy of the cover letter transferring the request to another public body
4. provide a copy of the letter issued under clause 16(2)(a) notifying the applicant of the transfer
5. explain the reason for the decision to transfer
6. indicate the provision under subsection 16(1) that permits the transfer