



Responding to a Complaint about an Extension of The Time Limit for Responding Under The Freedom of Information and Protection Of Privacy Act (FIPPA)

*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.*

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 extend the time limit for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees. This Practice Note has been prepared to assist public bodies in responding to this type of complaint.

If a public body requires an extension longer than 30 days, please review our Practice Note Making a Submission to the Ombudsman for an Extension Longer than 30 Days.

When Manitoba Ombudsman investigates a complaint concerning an extension, information would be requested from the public body about the complaint. There is certain information that would be relevant to any complaint about an extension, 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 an extension of the time limit, a public body would be asked by our office to:

1. provide a copy of the request for access
2. indicate the date the request was received
3. provide a copy of the letter issued under subsection 15(2) notifying the applicant of the extension
4. indicate the clause under subsection 15(1) that permits the extension and explain why the clause applies to the situation

As each clause under subsection 15(1) contains elements that must apply to a situation in order to rely on the clause, the following outlines the clause-specific information that would be requested from a public body.

If relying on subclause 15(1)(b)(i), provide the following information to:

1. describe the volume of records requested or that must be searched
2. explain why responding within the 45-day time limit would be unreasonable

If relying on subclause 15(1)(b)(ii), provide the following information to:

1. describe the number of requests made by the applicant or by two or more applicants who are associated
2. explain why these applicants are associated as set out in the regulations
3. explain why responding to these requests within the 45-day time limit would be unreasonable

If relying on clause 15(1)(c), provide the following information to:

1. indicate what third party or other public body is being consulted, or who the public body is obtaining legal advice from
2. explain why the public body needs to consult with them
3. explain why the consultation is necessary before deciding whether or not to grant access to a record
4. explain why these consultations could not be completed within the 45-day time limit

If relying on clause 15(1)(e), provide the following information to:

1. explain the reasons for the extension as they were explained to the complainant at the time of their consent
2. provide written documentation of how consent was obtained (such as a copy of the consent provided by the complainant)
3. describe any information or factors the public body is aware of that may explain why a complaint is being made despite the complainant having consented to the extension.

If relying on clause 15(1)(f), provide the following information to:

1. describe the exceptional circumstances currently affecting the public body
2. explain why responding within the 30-day time limit would be unreasonable
3. describe what, if any, steps the public body is taking to address those circumstances, mitigate the affect those circumstances have and how long those circumstances are likely to affect the operations of the public body.

*If relying on clause 15(1)(d), in the circumstance where the extension is being taken because our office has received a complaint under subsection 59(2) from a third party who was notified of a decision to give access, our office may already have been provided with information relevant to the complaint about the extension. In most cases, the information and explanation provided about the extension complaint would be limited to the first four items listed for all extension complaints.

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