

MANITOBA OMBUDSMAN PRACTICE NOTE

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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

RESPONDING TO A COMPLAINT ABOUT AN EXTENSION OF THE TIME LIMIT FOR RESPONDING 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 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 application for access
2. indicate the date the application 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 clause 15(1)(a), provide the following information to:

1. explain why the request does not contain enough detail to enable the public body to identify a requested record
2. describe the efforts made by the public body to obtain the necessary details or clarification from the applicant within the 30-day time limit

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

1. describe the volume of records requested or that must be searched
2. explain why responding within the 30-day time limit would interfere unreasonably with the operations of the public body

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

1. indicate who the third party or other public body is
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 30-day time limit

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.