

# 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.

## GUIDELINE ON TIME FRAMES FOR PROCESSING A FIPPA REQUEST

The time limit for responding to an access request made under the Freedom of Information and Protection of Privacy Act (FIPPA) is within 45 (calendar) days from the date of receiving the request, unless the public body has extended the time limit in accordance with the act (subsection 11(1)).

This guideline is intended as a best practice, to assist public bodies in processing requests within the time limit.

The guideline includes a breakdown of the typical sequence of tasks involved in processing an access request and sets time frames as targets for completing these tasks.

FIPPA sets out a duty to assist an applicant, which includes an obligation to respond without delay (section 9). Some requests may be straightforward or involve few records, resulting in less time being required to process the request and send out a response to the applicant. As some requests are more complex than others, any guideline adopted would need to be flexible, including situations where an extension of the time limit is necessary (subsection 15(1)).

For this guideline on time frames to be effective, full cooperation is needed from all staff who may be involved in processing an access request. All staff involved in processing a request have a role and a responsibility to ensure the time limit under FIPPA is met.



Time Frames – Calendar Days	Guidelines
<b>Day 1 - Day 3</b>	<ul style="list-style-type: none"> <li>• the request is received and reviewed</li> <li>• the applicant is contacted as necessary</li> <li>• the request is dated/date stamped</li> <li>• the request is numbered</li> <li>• the due date is calculated</li> <li>• the request is logged on a tracking system</li> <li>• a FIPPA file is set up (paper/electronic)</li> <li>• an acknowledgement letter is sent to the applicant</li> <li>• a notification email is sent to the area that would likely have the responsive records along with a date by which the responsive records are due to the coordinator/officer</li> </ul>
<b>Day 4 - Day 14</b>	<ul style="list-style-type: none"> <li>• the records search is undertaken</li> <li>• by the end of day 14, the responsive records are provided to the coordinator/officer with the information considered harmful to release marked and pages tagged with an explanation of the harm</li> </ul>
<b>Day 15 - Day 22</b>	<ul style="list-style-type: none"> <li>• a preliminary assessment of the responsive records is done</li> <li>• the pages are numbered if necessary</li> <li>• copies are made as needed</li> <li>• determine if time extension is warranted</li> <li>• determine if third parties need to be notified and/or consulted</li> <li>• obtain input from staff as necessary</li> <li>• determine if a fee estimate is required and, if so, prepare it and send to applicant</li> </ul>
<b>Day 23 - Day 24</b>	<ul style="list-style-type: none"> <li>• create and complete an index of the records that includes the FIPPA file number, a description of the type of record, the date of each record, the number of pages, the possible exceptions that might be applicable to part or to all of the records, and any comments</li> </ul>
<b>Day 25 - Day 35</b>	<ul style="list-style-type: none"> <li>• conduct a line-by-line review of the records</li> <li>• obtain input from staff as necessary</li> <li>• consult with third parties as necessary</li> <li>• obtain a legal opinion or comments as necessary</li> <li>• make copies as necessary</li> <li>• sever records if necessary and note the exceptions on the record</li> <li>• note the exceptions and the reasons for their application on the index of the records</li> <li>• prepare the draft response to the applicant</li> </ul>
<b>Day 36 - Day 40</b>	<ul style="list-style-type: none"> <li>• final discussions within the public body about the decisions, as necessary</li> <li>• at the end of day 40, all decisions are finalized</li> </ul>
<b>Day 41 – Day 44</b>	<ul style="list-style-type: none"> <li>• the response is finalized and sent out to the applicant</li> </ul>

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