

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.

RESPONDING TO A COMPLAINT ABOUT A REFUSAL TO CORRECT PERSONAL INFORMATION UNDER THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)

Under FIPPA (subsection 59(3.1)), an individual who has requested a correction under section 39 may make a complaint to the ombudsman about any decision, act or failure to act of the head of the public body that relates to the request, including a refusal to make a correction to his or her personal information. This practice note has been prepared to assist public bodies in responding to this type of complaint and to provide additional information about responding to a complaint about the right to add a statement of disagreement.

When Manitoba Ombudsman investigates a complaint concerning a refusal to make a correction, our office would request information from the public body. There is certain information that would be relevant to any complaint about a refusal to make a correction, which is outlined below. There could be other information relevant to a particular complaint that our office may also request from a public body.

For a complaint about a refusal to make a correction, a public body would be asked by our office to:

1. provide a copy of record(s) containing the personal information with the information at issue highlighted or clearly identified in some other manner
2. provide a copy of the written request for correction
3. provide a copy of the public body's response to the individual under subsection 39(3)(b)(i)(ii)(iii) and(iv). This written response notifies the individual of the public body's refusal to correct the record, the reason for the refusal, the individual's right to add a statement of disagreement to the record (see below), and the individual's right to make a complaint about the refusal to the ombudsman under part 5 of the act.
4. explain why the public body refused to make the requested correction



Amendments to FIPPA, which came into effect January 1, 2022, provide an individual with the right to add a statement of disagreement to the record, when an individual has made a request for correction that is refused by a public body. For a complaint about the response to an individual's request to add a statement of disagreement to the record, a public body would be asked by our office to:

1. provide of copy of any record of request to the public body for addition of a statement of disagreement to the record
2. provide a copy of the individual's statement of disagreement
3. provide information about the date when the statement of disagreement was added to the record
4. explain the reasons why a statement of disagreement was not added to the record, if applicable

Revised January 2022