



MANITOBA
OMBUDSMAN

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT INVESTIGATION REPORT

Manitoba Families

Refused Access

CASE# MO-09191
Final Report with
Recommendations &
Response

Issued to Public Body:
September 23, 2025

Published with Response:
October 14, 2025

Provisions considered:
FIPPA - subsection 17(1);
clause 17(3)(d)(i), 17(4)(e)(i)



SUMMARY

The complainant submitted an access request to the Department of Families for information, correspondence, and records related to service contracts and funding service agreements awarded to First Nations of Northern Manitoba Child and Family Service Authority (the Northern CFS Authority) and the First Nations of Southern Manitoba Child and Family Service Authority (the Southern CFS Authority)¹. The public body cited provisions 17(1), 17(3)(d)(i) of The Freedom of Information and Protection of Privacy Act (FIPPA) as justification for granting partial access to the complainant.

Our office investigated the complaint and determined the public body did not fulfill its duty to assist the complainant and failed to release records related to the complainant's access request. We also found the mandatory exceptions to disclosure under section 17 that the public body applied, do not apply to the withheld information.

Our office issued three recommendations including that the public body release all the requested information, as stated in the complainant's access request. The public body complied with the time limit to respond in writing to our report and recommendations. It accepted the recommendations and issued a revised access decision letter granting access to the complainant.

BACKGROUND

On May 21, 2024, the complainant submitted a request under The Freedom of Information and Protection of Privacy Act (FIPPA) to the Department of Families (public body/the department) for access to the following records:

A request is being made to the Province of Manitoba - Department of Families for the following information and records: For the years 2016 to the present, and in respect of both of (I) the First Nations of Northern Manitoba Child & Family Services Authority and (II) the First Nations of Southern Manitoba Child and Family Services Authority: (i) confirmation of any service contract(s) awarded to the above Authorities, the amount of the service contract(s) awarded, subject matter description of the service contract award, and whether such contract(s) form a continuing service agreement or, if not, the category type of such contract(s) with

¹ Now the Southern First Nations Network of Care



the Province of Manitoba as typically used by the Province of Manitoba on its Disclosure of Contracts web page; (ii) copies of all funding and/or services agreements between the Province of Manitoba -Department of Families with respect to each of the above Authorities; (iii) copies of any correspondence regarding any such funding and/or service agreements between the Province of Manitoba -Department of Families with respect to each of the above Authorities.

In an access decision letter dated July 29, 2024, the public body advised it was granting access in part and provided the complainant copies of extension agreements by the public body to the Southern CFS Authority for January 1, 2016, to June 30, 2018. The public body stated that section 17 of FIPPA allows the protection of third parties' personal information, if deemed an unreasonable invasion of privacy. This includes information related to third party employment, occupational or educational history. The access decision did not respond to the remaining items in the request.

On September 19, 2024, the Manitoba Ombudsman received a complaint about the Department of Families' decision to grant partial access to the requested records. The complainant noted the access decision did not provide reasons for why the information withheld under section 17, nor an explanation as to why the decision did not address information in the request, specifically:

- confirmation of the existence of any service contract(s) awarded to the Northern CFS Authority for the period requested;
- confirmation of the existence of any service contract(s) awarded to the Southern CFS Authority after 2018 to 2024;
- the amount of the service contract(s) awarded to either CFS Authority;
- the subject matter description of the service contract award, and whether such the category type of such contract(s) with the Province of Manitoba as typically used by the Province of Manitoba on its Disclosure of Contracts web page;
- copies of all funding and/or services agreements between the Province of Manitoba -Department of Families with respect to each of the Authorities;
- copies of any correspondence regarding any such funding and/or service agreements between the Province of Manitoba -Department of Families with respect to each of the above Authorities.

Our office sent notification to the public body on October 18, 2024, requesting representations and records. On November 15, 2024, we followed up on our request. The public body provided the responsive records and its representations on November 25, 2024. On December 17, 2024, our office sent a notice of extension to the public body and the complainant.

On January 14, 2025, our office requested a meeting with the public body to discuss follow up questions related to its representations. We spoke to the Access and Privacy coordinator for the department² on January 27, 2025 to share our preliminary findings and seek further clarification on the funding agreements related to the two CFS Authorities. We also sought to understand what records and documentation govern the funding relationship between the authorities and the department. The coordinator confirmed it required internal clarification before it could respond further to our office.

After a series of follow up requests, the public body clarified that funding to these authorities is not contained in a funding agreement but is communicated through a funding letter. It also communicated that issuance of a revised access decision was under consideration. On April 8, in its response to our follow up query on the status of the revised access decision, the public body advised it needed more time to locate some of the older records.

On May 6, 2025, our office followed up with the public body to determine whether it made a decision to issue a revised access decision. The public body advised it was still collecting further responsive records necessary to inform its consideration of a revised access decision. Our office communicated that in the absence of a commitment to issue a revised decision, we would need to move forward with our investigation. The public body responded to our communications advising it was in the process of compiling and analyzing the records.

On May 23, 2025 we received confirmation that the public body intended on issuing a revised access decision and an update to our office on May 28. When we did not receive an update, we followed up with the coordinator on May 29, 2025.

On June 23, the public body advised its revised access decision was in development. Our office maintained regular contact with the coordinator to determine when the revised record package was provided to the department for a revised access decision. On August 12, we were advised the public body anticipated the revised access decision would be issued to the complainant by August 29.

² The Access and Privacy Branch is a centralized unit within the Department of Finance whose responsibility is to serve as the designated Access and Privacy Coordinator for each provincial department, as delegated by the Minister of each department.

On September 4, we determined that a revised access decision had not yet been issued to the complainant and were advised that it was still the public body's intent to do so. However, it could not provide a clear timeline on when this will occur.

As of September 23, 2025, our office had not received confirmation that the revised decision was released to the complainant.

INVESTIGATION

Our office reviewed and analyzed the complainant's request. We communicated with the complainant to have a clear understanding of what information they needed from the public body. The complainant explained that the focus of their request is about funding agreements and communications about the funding received by these two authorities.

On October 18, 2024, our office notified the public body of the complaint and requested it provide a written explanation of its decision. We advised the public body it did not adequately respond to all aspects of the complainant's request, in particular to the funding information described above. We asked the public body to confirm if there are records for the rest of the requested information and why they were not provided.

In a response to our office on November 24, 2024, the public body stated:

1. Regarding the request for service contract with the First Nation Southern Manitoba CFS - no funding agreement exists after June 30, 2018.
2. The public body did not enter into any service agreement with the First Nation Northern Manitoba CFS within the specified date range.
3. As no service contracts were awarded to either authority for the specified period, no records responsive to this portion of the request exist.
4. The public body interpreted the access request as seeking correspondence related to funding via service contracts or agreements. Since there were no awarded contracts or agreements, it determined that no responsive records exist.

We told the public body, after speaking to the complainant about their request and analyzing the information provided to our office, that it is clear the complainant is requesting information about the monetary amount of funding these two authorities received. Our office is also aware, and reminded the public body, that based on subsection 24(d) of The Child and Family Services Authorities Act, these two authorities received direct funding from the government.



We then asked the public body to explain how these two authorities get funding and how this funding information is communicated. In a further response dated March 3, 2025, the public body stated these two authorities get quarterly direct deposit payments. The public body also confirmed information is communicated through funding letters. As for not providing the complainant with clear explanations about the missing information, the public body stated it provided the available information based on the specific time frame requested by the complainant. The public body determined no additional records exist that are responsive to this request.

ANALYSIS

Do the exceptions to disclosure under section 17 apply to the withheld information?

Section 17 of FIPPA pertains to personal information of a third party and is a mandatory exception to disclosure. Under subsection 17(1), a public body is required to refuse to disclose personal information if the disclosure is shown to be an unreasonable invasion of a third party's privacy.

Subsection 17(3) of FIPPA lists the circumstances to be considered in determining if the release of personal information not described under subsection 17(2) would unreasonably invade a third party's privacy. Clause 17(3)(d) is an exception allowing a refusal of access to personal information, if releasing that information may unfairly expose an individual to harm. Under clause 17(3)(i), the disclosure of personal information for a purpose inconsistent with the purpose for which it was obtained is a factor which would weigh against disclosing this information.

We reviewed the records the public body released, which are four copies of extension agreements. We noted the public body withheld the signatures of the public body employees in their roles as Minister of Families, Chief Executive Officer and Chief Financial Officer.

As stated above, the public body did not provide its rationale for citing clauses 17(3)(d)(i). Our office views the signature of a public body employee, that exist in the context of the employee fulfilling their job responsibilities on behalf of the public body, as information about their employment. The public body did not provide any explanations or reasons for why releasing the withheld information may unfairly expose a third party to harm or that the disclosure would be inconsistent with the purpose for which it was obtained.



Our office also considered whether the exceptions to access are limited by the circumstances described in subsection 17(4), which states the disclosure of personal information is not considered to be an unreasonable invasion of personal privacy if one of the circumstances described in subsection 17(4) applies.

In considering the public body's decision to withhold information, our office noted that subclause 17(4)(e)(i) is relevant.

When disclosure not unreasonable

17(4) *Despite subsection (2), disclosure of personal information is not an unreasonable invasion of a third party's privacy if*

(e) the information is about the third party's job classification, salary range, benefits, employment responsibilities or travel expenses

(i) as an officer or employee of a public body,

In this case, the withheld information is personal signatures of employees related to extension agreements with the Southern CFS Authority. Based on our review, we determined the information withheld pertains to public body employees performing their employment responsibilities. As such, we found the mandatory exceptions to disclosure under section 17 do not apply to the withheld information and cannot be used to refuse access to public body signatures.

Did the public body meet its duty to assist?

Section 9 of FIPPA states:

Duty to assist applicant

9 *The head of a public body shall make every reasonable effort to assist an applicant and to respond without delay, openly, accurately and completely.*

The duty to assist obligations under the Act must be met to fulfill the formal access to information request and should always be considered and applied in a reasonable manner throughout the access to information process.

As stated above, it is clear in the public body's response that the information the complainant is seeking is available. The public body shared important context with our office around these records, which included information about the change in funding model and the nature of the resulting funding records. To meet its duty to assist

obligations to respond openly to a requestor, a public body that provides access to a record may give any additional information believed necessary to explain the record.³ In this case, we found that no additional information about the change in the funding was included in the decision letter. As a result, the complainant was deprived of the opportunity to know what the records were called and could not choose to pursue a separate request for them in a timely fashion.

We are also of the view the public body's decision was lacking in that it was clear what records the complainant was seeking, regardless of what the public body now calls them, and we found no evidence the public body facilitated a discussion about the scope/intent of the request with the complainant before the decision was issued.

We explained to the public body that it is not reasonable to expect the public to know the exact terms public bodies use to categorize records. It is not uncommon for the public to use terms they believe are correct when they are seeking access to specific types of records. As part of its duty to assist, the public body must clarify access requests with applicants to ensure it understands what is requested. This allows the public body to make reasonable efforts to conduct an adequate search for responsive records, ensure it has sufficient information on which to make an access decision, and provide accurate and complete information in its response.

During our review, the public body advised it had gone back to collect, review and analyze responsive records that were not considered in its original access decision. Our office also became aware of a previous, similar request where the public body released the total single envelope funding allocation. We acknowledge that the public body has undertaken an additional search for responsive records, but as of September 23, 2025, a revised access decision had yet to be issued to the complainant.

After careful analysis of all the information gathered, we find the public body's access decision was lacking and not responsive to producing the type of records the complainant communicated in their request. We also note the public body failed in its duty to assist the complainant.

³ Subsection 14(2), FIPPA.

CONCLUSION

With regards to the request that the Department of Families provide information about direct funding to First Nations of Northern Manitoba Child and Family Services Authority and the First Nations of Southern Manitoba Child and Family Services Authority, we find the public body narrowly and unreasonably interpreted the request and did not provide access to the information.

We find the public body did not fulfill its duty to assist the complainant. We also find that the mandatory exceptions to disclosure under section 17 cited by the public body in its access decision, do not apply to the withheld information. Therefore, this complaint is supported.

RECOMMENDATIONS & REQUIREMENT TO RESPOND

Recommendations

Based on the above findings and analysis, the Ombudsman recommends the:

1. Department of Families release the withheld signatures of the public body employees, and
2. Department of Families complete a search and issue a revised access decision on responsive records pertaining to funding allocations, funding letters, and correspondences, as stated in the complainant's access request, pursuant to the provisions of The Freedom of Information and Protection of Privacy Act, and
3. Department of Families' revised access decision be provided to the applicant no later than October 6, 2025.

Requirement to Respond to Recommendations

Under subsection 66(4), the Department of Families must provide written response to the Ombudsman's recommendations no later than 15 days of receiving this report. As our report was sent by email to the public body on September 23, 2025, the Head shall respond no later than October 6, 2025.

The Head's response must indicate whether it accepts the recommendations and identifies any actions to implement them. If the Head does not accept the recommendations, then the Head must indicate the reasons why the public body refuses to take action to implement the recommendations. Where the Head accepts the recommendations, they shall provide written notice and information to demonstrate the Department of Families complied with the recommendation and did so within the specified time period outlined in subsection 66(6) of FIPPA.

HEAD'S RESPONSE TO THE RECOMMENDATIONS

On October 6, 2025, the public body notified our office that it was accepting the recommendations and issued a revised access decision, as well as additional records, to the complainant.

The public body complied with the time limit to respond in writing to our report and recommendations. Our office reviewed the decision and determined that the public body complied with the recommendation. After reviewing the revised access decision, the complainant stated they are satisfied with the revised access decision and received records that accompanied it.

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This report is available in alternate formats upon request.
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