



**MANITOBA
OMBUDSMAN**

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT RECOMMENDATION IMPLEMENTATION STATUS REPORT

Manitoba Justice

Case MO-08759

Refusal of Access
Investigation
Recommendation
Status Update

**CASE# MO-08759
Status Report**

Response to
Recommendations and
Compliance Report
Published:
March 26, 2026



SUMMARY

The complainant submitted an application under The Freedom of Information and Protection of Privacy Act (FIPPA) to Manitoba Justice for access to all records related to the review of the current youth justice system in Manitoba and its connections to the child welfare system. Manitoba Justice refused to grant access to the request, on the basis that responding would unreasonably interfere with the operations of the public body under clause 13(1)(d) of the Act.

Upon investigation of the complaint, the Manitoba Ombudsman concluded the public body had not provided sufficient evidence to support the conclusion that clause 13(1)(d) applies. In this instance, the public body could not demonstrate it made reasonable efforts to identify and search for responsive records. Our review of the FIPPA file noted a lack of documentation on its search efforts, duty to assist obligations, and reasons for its decision to exercise discretion to disregard the access request.

The authority to disregard a request must be exercised with careful consideration of all relevant contextual factors, providing evidence that it considered the purpose of the act and that the decision to apply the clause was informed by fully considering the types of records at issue, and not solely on the basis the clause appears to apply. Accordingly, we concluded the public body's decision to withhold the records under clause 13(1)(d) is not supported under FIPPA, based on the information provided to us. [The previously published report details three recommendations.](#)¹

The public body complied with the time limit to respond in writing to our report and recommendations. It accepted the recommendations but did not comply within the legislated timeframe of 15 days. The deadline for compliance was February 11, 2026. The Ombudsman intends to refer the matter to the Information and Privacy Adjudicator.

¹ <https://www.ombudsman.mb.ca/report/investigation-report-fippa-refused-access-manitoba-justice-08759/>

RECOMMENDATIONS & REQUIREMENT TO RESPOND

Recommendation 1:

The Ombudsman recommends Manitoba Justice re-process the access request in its entirety, conduct an adequate search for responsive records, collaborate with the Department of Families to identify any related records in their possession, and fulfill its duty to assist obligation to respond openly, accurately and completely.

Recommendation 2:

The Ombudsman recommends Manitoba Justice issue a revised access decision to the applicant. The access decision should provide details of the search undertaken, identify the nature and types of responsive records related to the applicant's request and provide evidence-based reasons for its decisions.

Recommendation 3:

The Ombudsman recommends Manitoba Justice maintain a complete FIPPA file for all future access requests by documenting the processing of the request, its communications with the applicant, its search and the considerations informing its decision.

Requirement to Respond to the Recommendations

The Ombudsman requested that the Head respond to the recommendations in writing within 15 days of receiving this report. As this report was sent by email to the public body on January 13, the Head was to respond by January 28. The Head's response must indicate whether the Head accepts some or all of the recommendations.

Requirement to Comply with Recommendations

If the Head accepts the recommendations, the head of the public body should provide written notice to the Ombudsman and information to demonstrate that the public body has complied with the recommendations and did so within the specified time period. 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.

HEAD'S RESPONSE TO THE RECOMMENDATIONS

On January 26, 2026, the public body notified our office that it was accepting the recommendations with a modification to recommendation one and said it would take 45 days to respond to the access request.

The modification requested was:

Should Manitoba Justice locate records that require consultation with Manitoba Families prior to release, that consultation will occur. However, Manitoba Justice will not be reaching out to Manitoba Families to request access to records that are under their custody or control as Manitoba Families is a separate public body responsible for their own records. The applicant is aware that this is a joint initiative between the two public bodies and if they wish to receive records from Manitoba Families, then they are to submit a separate request to that public body.

On January 30, 2026 our office advised that we felt the modification to recommendation one was reasonable given the passage of time from the date of this access request, but reminded the public body that for future requests, section 16(1) of FIPPA provides the public body with the option to transfer a request for access to another public body and notify the applicant of its transfer decision.

Our office also advised that 45 days was not a timeframe permitted under legislation. FIPPA allows for 15 days to comply once recommendations are accepted. Our office advised the public body that it could request the Ombudsman's agreement to a longer timeframe. No request was received and no date was provided for when the body would issue a response to the complainant. The public body did not demonstrate its compliance with the recommendations by the deadline of February 11, 2026.

Under subsection 66(5) the Ombudsman has an obligation to notify the complainant about the head's response to the recommendations without delay and advise on whether the matter will be referred to the Information and Privacy Adjudicator to review the department's decision under section 66.1.

Request re access

66.1(2) The Ombudsman may ask the adjudicator to review

(a) any decision, act or failure to act by the head of a public body relating to a request for access to a record or for correction of personal information

FIPPA requires that a referral to the adjudicator be made within 15 days after the deadline for response has expired.

Referral to Adjudication

On February 17, 2026 the Ombudsman told the public body it was holding its referral to the Information and Privacy Adjudicator in abeyance until the position of adjudicator was no longer vacant.

The adjudicator is required to hold a written or oral hearing and make an order on the issue referred. The head of the public body concerned must comply with the adjudicator's order subject to judicial review. Copies of orders are made available to the public by the adjudicator.

This report is available in alternate formats upon request.

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