



**MANITOBA
OMBUDSMAN**

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT INVESTIGATION REPORT

Manitoba Justice

Refused Access

CASE# MO-10111
Final Report with
Recommendations &
Response

Original Report Issued to
Public Body:
January 16, 2026

Published with Response:
September 9, 2026

Provisions considered:
FIPPA - 9



SUMMARY

Manitoba Justice (Justice or the public body) received a request under The Freedom of Information and Protection of Privacy Act (FIPPA) for records related to the financial cost of maintaining Premier Wab Kinew's security detail. The public body initially refused access to the requested records on the basis that some of the records do not exist and disclosure of the records that do exist could reasonably be expected to cause harm to individual or public safety and the security of property. Justice subsequently revised its access decision to refuse access to the requested records on the basis that records do not exist.

Based on our review we were not satisfied that the public body processed the access request in accordance with the requirements of section 9 of FIPPA, the duty to assist the applicant.

Based on our findings, the complaint was supported, and we issued formal recommendations that Manitoba Justice reprocess the access request in accordance with the requirements of section 9 and it fulfill its duty to assist applicants in future.

The public body complied with the time limit to respond in writing to our report and accepted the recommendations. However, the recommendations were not implemented within the legislated time limit. After the time limit had passed, the public body issued a revised access decision on March 11, 2026.

BACKGROUND

On November 12, 2024, Manitoba Justice received a request under FIPPA, seeking access to the following records:

What is the annual cost to maintain Premier Wab Kinew's security detail, including the Premier's SUV, and the annual cost for the security officer stationed at the entrance of the legislature parking lot?

Date range: October 18, 2023 - October 18, 2024

The public body discussed the access request with the applicant on November 13, 2024, and it was revised to:

Itemized financial records showing the cost of maintaining Premier Wab Kinew's security detail, including personnel and the vehicle used for transporting the Premier, as well as the security officer stationed at the entrance to the Legislative Building parking lot.

Date range: October 18, 2023 - October 18, 2024

By letter dated December 18, 2024, Manitoba Justice advised it was refusing access to the requested records in full. The public body explained that itemized financial records showing the cost of maintaining the premier's security detail do not exist within Manitoba Justice as this cost is funded through Justice's contract with the Royal Canadian Mounted Police (RCMP). The public body provided the applicant with contact information for the RCMP and advised that they could request the records directly.

Justice further advised that it was relying on clause 24(a) and section 26 of FIPPA to refuse access to the remainder of the records that were responsive to the request.

Justice explained that disclosure of information pertaining to the names of individuals involved in the premier's security detail, information about the vehicle used for transporting the premier, and the names of individuals stationed at the Legislative Building's parking lot may endanger the safety of these individuals, including the premier or anyone who might be in the vehicle at the time of transport. They also explained that disclosure of information related to the vehicle being used in transporting the premier or the individuals involved in his security detail could threaten the security of the property (the vehicle).

A complaint about the decision to refuse access was received by our office on December 20, 2024. In the submission to our office, and subsequent email communication, the complainant advised our office that they dispute the explanation that itemized financial records do not exist within Justice and suggested that if the department entered into a contract with the RCMP it would be reasonable to expect that they maintain records of their own contracts. They also disputed the explanation provided for the application of clause 24(a) and section 26 and indicated that their request was only for financial information, they did not wish to obtain names of security staff or vehicle information.

INVESTIGATION

We notified the public body of the complaint and requested further explanation of the decision to refuse access. We also requested copies of the responsive records for our review.

For the purpose of our investigation, we separated the access request into three parts:

- The cost to maintain the premier's security detail
- The cost of the vehicle used to transport the premier
- The cost of security personnel stationed at the Legislative Building parking lot

On April 8, 2025, the public body advised our office that the original access decision letter provided to the complainant was incorrect. They explained the letter should have indicated that access to the requested records was refused, because the records do not exist for all parts of the request. Justice advised that they would be issuing a revised access decision letter to the complainant and that representations had been drafted and were under review, which would further explain to our office how they made their access decision.

Our office followed up with the public body by email on multiple dates and did not receive a response about when we would receive this explanation or when the revised access decision would be issued to the complainant. On July 18, 2025, we offered Justice a final opportunity to provide representations.

On August 6, 2025, the public body provided our office with further representations to explain its decision.

With respect to the part of the request concerning itemized financial records of the cost to maintain the premier's security detail, we have summarized Justice's explanation as follows:

Manitoba Justice, on behalf of the Government of Manitoba, entered into a Provincial Police Service Agreement (PPSA) with the Government of Canada. The agreement includes the security service for the premier as part of the policing services being rendered by the Royal Canadian Mounted Police (RCMP) within the province. Justice makes quarterly payments for services rendered under this contract upon receipt of the invoice. Justice does not receive detailed financial reporting on the cost of the premier's security services as this is part of the overarching policing services rendered by the RCMP. As such, they do not have custody or control of the responsive financial records.

Justice did not provide or offer to provide our office with a copy of the contract with the RCMP to demonstrate that it does not provide for detailed financial reporting.

With respect to the parts of the request related to information on the cost of the vehicle used to transport the premier and the cost of security personnel stationed at the Legislative Building parking lot, Justice explained:

Sections 24(a) and 26 were incorrectly cited in the response to the applicant. These sections would have been applicable if the applicant had asked that the names of security staff and details on vehicle information be provided. However, the applicant clarified that they were not seeking this information; therefore, the department should have responded that there are no responsive records. As there is no financial information or records in the custody or control of the department pertaining to the Premier's security details, the department will issue a revised response letter.

We noted that Justice did not indicate whether it had issued the revised access decision to the applicant. When we inquired about this, the public body stated the revised access decision was under review.

On August 19, 2025, we asked for further clarification about the representations and evidence to support the explanation of the contract arrangements under the PPSA. We also asked for further explanation of the search(es) that were made to try to locate the records relating to the cost to maintain the premier's security detail, prior to determining these records do not exist.

As the public body had not issued the revised access decision related to the cost of the vehicle used to transport the premier and the cost of the security personnel stationed at the Legislative Building parking lot, we requested that Justice include information explaining how the public body concluded that records do not exist, such as describing its search efforts, in the revised access decision letter.

On September 3, 2025, Justice issued the revised access decision to the complainant and copied our office. In the letter, Justice stated:

Manitoba Justice has reviewed your access request and subsequent complaint to determine if access to the requested records should be granted. In your complaint, you clarified with Manitoba Ombudsman that your request for access is only for financial information.

Based on your clarification, Manitoba Justice has determined that the previously cited sections are no longer applicable in refusing access to records. The decision to refuse access to records has not changed. However, access to records is refused as the records do not exist. There is no financial information or records in custody or control of the department pertaining to the Premier's security details.

We noted that the revised access decision implied that the complainant's access request (both original and revised) was not clear in what records were being requested. We also noted that no further explanation was provided to describe the public body's search for the records.

On October 30, 2025, we communicated our understanding of the revised access decision with the public body and noted that it did not contain an explanation of its search. In addition, the access decision only related to two parts of the request, the cost of the vehicle used to transport the premier and the cost of the security personnel stationed at the Legislative Building parking lot. The first part of the request for the cost to maintain the premier's security detail remained unchanged. Both decisions, original and revised, indicated that no records exist for this part of the request and we had not received information about how the public body determined that no records exist. We advised Justice that we would consider any further information related to our requests for explanation and evidence related to the original or revised access decision, provided it was received by November 7, 2025.

On November 7, 2025, the public body provided additional representations and records. The submission did not explain the public body's search efforts.

In relation to the cost of maintaining the premier's security detail, Justice explained that the RCMP bills the province on a quarterly basis in accordance with the PPSA. The financial reporting and invoicing cover the entirety of the services delivered by the RCMP as the provincial police service, inclusive of the premier's security unit. A copy of the PPSA contract and two quarterly invoices were included for our review.

Justice further advised that while they can request specific unit costing information, they did not as they would not consider releasing this information due to security concerns; they believed that the exceptions to disclosure outlined in sections 24 and 26 of FIPPA would apply to this information. We noted that these exceptions were not relied upon in either access decision for this part of the request and therefore we did not consider the application of these provisions in our investigation.

Our review of the records determined that the PPSA does not speak directly to how the cost of the premier's security detail is to be billed and the quarterly invoices do not include a breakdown of cost.

It is Justice's position that because they do not receive detailed financial reporting from the RCMP, they do not have custody or control of the records.

With respect to the requested information related to the cost of security personnel stationed at the Legislative Building parking lot, the public body explained that there had been an error in the revised access decision as they do have records related to the cost of security officers under their employ, although the cost is not broken out based on the specific position stationed at the Legislative Building. Justice advised that exceptions to disclosure would apply to these records due to security concerns.

The public body did not provide any information about whether records exist for the cost of the vehicle used to transport the premier.

DISCUSSION AND FINDINGS

The public body abandoned its reliance on exceptions to access in sections 24 and 26, as reflected in its revised access decision letter issued to the complainant on September 23,

2025. Therefore, our office is not making findings about the public body's original reliance on these provisions to refuse access.

Our analysis and findings in the remainder of this report will focus on whether the public body fulfilled its duty to assist the applicant under section 9 of FIPPA, including by conducting a reasonable search for the requested records.

Did the public body fulfill its duty to assist per section 9 of FIPPA?

Section 9 of FIPPA imposes a duty to assist an applicant, as follows:

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 purpose of FIPPA is to provide a right of access to records, not a right to ask or have questions answered. The complainant's initial request was for an answer to a question so it is understandable that the public body would speak with the complainant about amending their request. However, it is unclear to our office how the public body interpreted the scope of the request. Although Justice recommended the complainant amend the scope of the request, it appears from the access decision letter that the bulk of the information that the public body originally refused access to was not information that was requested and these records would have otherwise been deemed as not responsive to the request.

In addition, our office does not accept the implication that the public body only understood what records were being requested (financial records/costs) after being informed by our office of the complaint.

In the original access decision, the public body did not sufficiently explain to the applicant why records did not exist for one part of their request and wrongly advised the applicant that records for the other two parts of their request did exist and were subject to exceptions to access. In the revised access decision, the public body advised that no records exist and failed to provide an explanation for the search for responsive records.

Based on the subsequent explanations provided to our office, it is apparent that records responsive to at least two parts of the request – the cost to maintain the premier's security detail and the cost of security personnel stationed at the Legislative Building parking lot –

do exist in some form and appear to be in the control of the public body, if not also their custody.

We considered *Canada (Information Commissioner) v. Canada (Minister of National Defence)*¹ to determine if the record is under the control of the public body. The Supreme Court of Canada established the following two-part test:

- Does the record relate to a public body matter?
- Can a senior official of the public body, based on all relevant factors, reasonably expect to be able to request and obtain a copy of the record?

If the test is met, the record is considered under the control of the public body. The fact that Justice indicated that they are able to request specific unit costing information suggests that Justice has the power or authority to make decisions about the record, suggesting that it is under the public body's control for the purposes of FIPPA.

The public body has also not specifically addressed whether records related to the cost of the vehicle used to transport the premier exist and has not provided evidence to demonstrate that a search was completed at any time for records responsive to this part of the request.

Based on the final explanation provided by Justice, it is clear to our office that a thorough search for records was not conducted prior to making both the original and the revised access decisions. The public body has acknowledged that the information related to the cost of the premier's security detail is a record that they can request, and therefore this record is in their control. The public body also acknowledged that records related to the cost of security personnel stationed at the Legislative Building do exist but did not provide any explanation about whether records exist on the cost of the vehicle used to transport the premier.

Public bodies are required to fulfill their duty to assist when processing an access request, which includes responding accurately and completely. As outlined in our office's practice note on the Duty to Assist², it is not acceptable to omit doing a search for

¹ *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25 (CanLII), [2011] 2 SCR 306, <<https://canlii.ca/t/fld60>>, retrieved on 2025-12-16

² The Duty to Assist Under FIPPA – Elements of the duty to assist (2025) <https://www.ombudsman.mb.ca/wp-content/uploads/2025/09/PN-FIPPA-DutytoAssist-EN.pdf>

records based on the belief that if records existed, they would contain information that would be subject to exceptions. Public bodies are also required to thoroughly review records before claiming that an exception to refuse access applies, which involves conducting a line-by-line review of the actual records. Lastly, our practice note indicates the public body's search should include records in its "control", not just records in its possession - for example records maintained by agents, consultants or **other contracted services** (emphasis added).

The FIPPA Resource Manual³ also outlines the requirements of public bodies when processing an access request, including conducting a reasonable search for records and completing a line-by-line review to determine if exceptions apply.

We find that Justice did not conduct a reasonable search for records and did not demonstrate that they responded without delay, openly, accurately and completely. During the course of our investigation, Justice's explanations about what records are in the custody or control of the public body, what information may be reflected in the records, and whether the information is subject to exceptions to access, continued to evolve. As such, we are not confident that Justice processed this request in accordance with the requirements of FIPPA, including fulfilling its duty to assist the applicant.

Based on this information we determined that the public body did not demonstrate that it conducted a reasonable search for responsive records. The public body did not appear to consider the need to search for records that were under its control, in addition to records that were in its custody. It also did not demonstrate that a search had ever been conducted for financial records related to the cost of the vehicle used to transport the premier. This appears to have compromised the accuracy, openness and completeness of the public body's access decisions, and as a result the public body has not demonstrated its compliance with the requirements of section 9 of FIPPA relating to its duty to assist the applicant. We suggest the public body review our office's practice note on the Duty to Assist Under FIPPA for guidance on what it needs to consider at all stages of processing a request in order to demonstrate it has fulfilled the duty to assist.

³ The FIPPA Access Manual was created by the Manitoba Government as a reference to assist public bodies in meeting the requirements of FIPPA.
https://www.gov.mb.ca/chc/fippa/public_bodies/resource_manual/index.html.

RECOMMENDATIONS & REQUIREMENT TO RESPOND

Based on our findings that Manitoba Justice did not demonstrate that it complied with the requirements of section 9 related to its duty to assist the applicant, the following recommendations were made:

Recommendation 1:

The Ombudsman recommends that Manitoba Justice reprocess the access request in its entirety, search records that are both in its custody and under its control, and fulfill its duty to assist and respond openly, accurately and completely. A line-by-line review of each responsive record must be conducted if exceptions to access are applied.

Recommendation 2:

The Ombudsman recommends that, after reprocessing the request, Manitoba Justice provides a revised access decision to the applicant. With respect to any records that do not exist or cannot be located, the access decision should include a detailed explanation describing the searches the public body conducted for records responsive to the request. With respect to records that exist and contain information subject to exceptions for access, the access decision should explain the reason(s) for the refusal and the specific provision(s) on which the refusal is based.

Recommendation 3:

The Ombudsman recommends that Manitoba Justice ensures that it is fulfilling and documenting its duty to assist efforts in processing all future access requests.

Requirement to Respond to the Recommendations

Under subsection 66(4), the public body must respond to the Ombudsman's report in writing within 15 days of receiving this report. As this report was sent by email to the head of the public body on January 16, 2026, the head would be required to respond by January 31, 2026. As this date fell on a weekend, we advised the public body that they would be required to respond by February 2, 2026.

Where the Head accepts the recommendations, they shall provide written notice and information to demonstrate that Manitoba Justice complied with the recommendations and did so within the specified time period outlined in subsection 66(6) of FIPPA.

HEAD'S RESPONSE TO THE RECOMMENDATIONS

On February 2, 2026, Manitoba Justice notified our office that it was accepting the recommendations, which was within the legislated time limit to respond to the report with recommendations. In its letter it provided the following response to demonstrate how it intended to comply with the recommendations:

Response to Recommendation 1

Manitoba Justice will reprocess this access request in its entirety and has begun conducting a fulsome search for responsive records that are both in its custody and under its control to ensure that it fulfills its duty to assist as per section 9 of FIPPA. Any responsive records that are located will be provided to the access and privacy branch (APB) where a line-by-line review of each record will be conducted to identify whether any exceptions to disclosure apply. Justice will review the information provided by the APB to ensure an open and accurate response will be issued to the applicant.

Response to Recommendation 2

Manitoba Justice agrees to issue a revised access decision to the applicant. The revised access decision will include a detailed explanation of the search conducted, identify whether related records were located, and will provide an evidence-based rationale for the access decision that is issued. In its revised decision letter, Justice will include explanations on how it determined that any cited exceptions to disclosure apply to parts of a record or a record in its entirety.

Response to Recommendation 3

In collaboration with the Access and Privacy Branch (APB), Manitoba Justice will commit to maintaining complete FIPPA files for all future access requests. Manitoba Justice will provide search for record documentation to the APB that details where and how the search was conducted, who conducted the search, whether records were located, and any details for consideration prior to an access decision being released. This information will be captured on the search for records form provided to Manitoba Justice by the APB and will be included in the APB's complete FIPPA file.

Manitoba Justice also advised it would take approximately five hours to complete an adequate search for records, and that it would provide an access decision within 45 days of acceptance.

In its response Manitoba Justice advised it would require a minimum of 45 days to implement the recommendations. The recommendations were not implemented within the legislated time limit of 15 days. After the time limit had passed, the public body issued a revised access decision on March 11, 2026.

OMBUDSMAN'S COMMENT ON COMPLIANCE

Manitoba Justice's response to the report was compliant with subsection 66(4) of FIPPA when it provided acceptance of recommendations and described the action it would take to implement them. However, upon receipt of the response, the Ombudsman wrote Manitoba Justice clarifying the 15-day legislated timeline for compliance when a public body accepts recommendations in a report about access to information. The deadline for compliance was February 17, 2026.

Compliance with recommendations

66(6) *When the head of a public body accepts the recommendations in a report, the head shall comply with the recommendations*

(a) within 15 days of acceptance, if the complaint is about access under subsection 59(1), (2), (3.1) or (4); and

(b) within 45 days in any other case;

or within such additional period as the Ombudsman considers reasonable.

The Ombudsman outlined the process and required information for the department to request a longer timeframe to comply with the recommendations. Justice did not make a submission seeking a longer timeframe for response, nor did it take action to implement the recommendations within the legislated timeframe.

The Ombudsman notified the department of her intent to refer the matter to the Information and Privacy Adjudicator under subclause 66.1(1)(b). However, the Ombudsman could not refer the matter to the Information and Privacy Adjudicator before the legislated deadline as the position was vacant.

Manitoba Justice provided a revised access decision to the complainant on March 11, 2026. In the revised access decision, the public body maintained that itemized financial records showing the cost of maintaining the premier's protection detail do not exist within Manitoba Justice and are under the authority of the RCMP. The public body directed the complainant to the RCMP should they wish to request these records. The

public body provided the complainant with the total annual cost for the security personnel stationed at the Legislative Building parking lot.

The Ombudsman is of the view that the public body did not fully comply with the accepted recommendations because the decision letter did not address the request for records related to the cost of the vehicle to transport the premier and a detailed explanation of its search for records was not provided.

This report is available in alternate formats upon request.

MANITOBA OMBUDSMAN

300 - 5 Donald Street, Winnipeg, MB R3L 2T4

1-800-665-0531 | ombudsman@ombudsman.mb.ca

www.ombudsman.mb.ca