



**MANITOBA
OMBUDSMAN**

Manitoba Housing
and Renewal
Corporation

Access Complaint:
Duty to Assist

CASE# MO-11486

Final Report

Issue Date:
September 24, 2026

Provisions considered:
FIPPA - 9

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT INVESTIGATION REPORT



SUMMARY

Our office received a complaint under The Freedom of Information and Protection of Privacy Act (FIPPA) related to how the Manitoba Housing and Renewal Corporation processed the complainant's access request for records related to the Canada-Manitoba Housing Benefit.

Our review determined that the public body did not initially fulfill its duty to assist and the complaint was partly supported. After continued communications between the public body and the complainant, the concerns were resolved.

MANITOBA OMBUDSMAN ROLE

The Manitoba Ombudsman plays a crucial role in safeguarding democracy by exercising their responsibilities for independently investigating complaints and reviewing compliance with access to information and protection of privacy rights under The Freedom of Information and Protection of Privacy Act (FIPPA) and The Personal Health Information Act (PHIA).

Upon receiving a complaint under FIPPA, the Ombudsman makes initial contact with the complainant and with the public body involved. During an investigation, the Ombudsman reviews the complaint in relation to the provisions of FIPPA, considers the relevance of other legislation, examines any records relating to the complaint and speaks with employees of the public body.

If the matter cannot be resolved informally, the Ombudsman provides a report to the complainant and the public body containing findings about the complaint and any recommendations the Ombudsman considers appropriate respecting the complaint.

THE COMPLAINT

Our office received a complaint under FIPPA relating to how the Manitoba Housing and Renewal Corporation (MHRC or the public body) processed the complainant's access request, made on September 12, 2024, for the following records:

Please provide an annual breakdown of: 1) The number of people receiving the Canada-Manitoba Housing Benefit, broken down by stream 2) The amount budgeted for the Canada-Manitoba Housing Benefit (broken down by federal

contribution and provincial contribution 3) The amount spent (broken down by federal and provincial contribution. Please include the 2024-25 fiscal year using the money spent to date and the annual money budgeted.

Date Range: 2021-04-01 - 2024-09-11

By letter dated March 31, 2025, the public body informed the complainant that access to the requested records had been granted in full and the information had been compiled for ease of reference in a manner consistent with the request.

After receiving the response, the complainant contacted the public body to advise that some of the requested information had not been included in the records that were received. On April 15, 2025, the public body provided the complainant with a revised record which included some of the missing information.

The complainant continued to have questions about information that had not been included in the records and continued corresponding with the public body to express these concerns.

The complainant initially submitted a complaint to our office on April 28, 2025. We contacted them to discuss the complaint and clarify the outstanding concerns from their perspective. The complainant explained that they were concerned that the record they received may not be complete. In particular, they were concerned that the request had been misinterpreted and that the public body did not include records related to one of the Canada-Manitoba Housing Benefit (CMHB) funding streams. They were further concerned about discrepancies in the information provided in the initial and revised record related to the funding amount for past fiscal years and did not feel that the public body had provided a sufficient explanation to explain this discrepancy.

Before our office was able to notify the public body of the complaint, the complainant advised us that on June 4, 2025, the public body provided answers to the outstanding questions about the records, and they had now received the information they had requested.

However, the complainant indicated that they still had concerns about the overall processing of the request and wished to pursue their complaint. They explained that they were only able to obtain complete information with persistent contact and questioning and do not believe the public body fulfilled its duty to assist under FIPPA by responding openly and accurately. The complainant also expressed concern that the access request

may have been processed in a similar manner to a media inquiry, affecting the response received.

We confirmed that the complaint was now about how the public body responded to the access request and our investigation would focus on whether the public body fulfilled its duty to assist under FIPPA.

INVESTIGATION

Subsection 59(1) of FIPPA provides a person who has requested access to a record with a right of complaint to our office about any decision, act or failure to act of the public body that relates to the request.

We contacted the public body and requested written representations clarifying the public body's position in relation to the concerns brought forward in the complaint. We also requested a copy of the public body's FIPPA file¹ related to the request for our review.

In responding to our office on July 4, 2025, the public body provided an overview of the correspondence they had with the complainant about the access request. MHRC explained that after receiving the complainant's call to express concerns about the records received, they attempted to answer the queries in a timely manner and apologized for the oversight in one section of the records regarding the Canada Mortgage and Housing Corporation (CMHC) disbursed amount in fiscal year 2024/25 to October 31, 2024, as well as the CMHC disbursed amount to March 31, 2025. Also, with regard to the Survivors of Gender Based Violence (SGBV) stream, the public body explained that the initial focus was on the streams under the main Canada-Manitoba agreement related to the CMHB, and they had accidentally misinterpreted the request and advised the complainant of this.

MHRC explained that while they attempted to answer the complainant's questions, the corporation's internal Access and Privacy Unit does not routinely answer questions or provide explanations about the content of records as its focus is to provide records, with appropriate redactions applied when necessary, in response to access requests. Apart from questions about matters such as records that might inadvertently be missing in their response, it is their understanding that providing explanations about the content of

¹ Public bodies typically create a FIPPA file to document the processing of a request. These files contain relevant documentation and a record of the decisions made in relation to the request.

records disclosed is not a part of the access process under FIPPA. They explained that nonetheless, in an attempt to assist the complainant, they made efforts to explain the content of the records.

With respect to the concerns that the access request may have been treated as a media inquiry, MHRC noted that the complainant had made previous as well as relatively concurrent media inquiries requesting the same and similar information. In such circumstances, given that the program areas that are providing the source information for responding to both media inquiries and access requests, there would naturally be an overlap in the way the records are collected and presented to the applicant. In other words, having just prepared information on the topic for the purpose of responding to a request of any type, they would not re-do it from scratch for another request of the same or similar type unless there was reason to believe new records existed or the underlying information had changed due to the passage of time.

A copy of the public body's FIPPA file was provided for our review.

Review of records and timeline of correspondence

We reviewed the access request and the initial records that had been provided to the complainant. We determined that the following information had been provided for each of the areas outlined in the access request:

1. The number of people receiving the Canada-Manitoba Housing Benefit, broken down by stream.

This information was provided in part. The SGVB stream was not included and the public body indicated on the record that the 2024-25 fiscal year data for the various streams would be available at a later date.

2. The amount budgeted for the Canada-Manitoba Housing Benefit (broken down by federal contribution and provincial contribution).

The title of the record suggests that the data has been broken down into federal and provincial amounts. However, the information appears to only include the federal amounts (except for the 2024-25 year which specifically provides the provincial amount).

3. The amount spent (broken down by federal and provincial contribution).

As above, the title of the record suggests that the data had been provided in this manner, but it appears only to include the federal amount. The public body indicated that the 2024-25 amount would be available at a later date.

We then reviewed copies of the correspondence between the complainant and the public body that had been supplied by both parties and determined the following timeline of events after the access decision was issued:

March 31, 2025 - The public body issued its access decision, stating they were granting access to the requested records in full.

April 1, 2025 - The complainant contacted the public body to express that they did not agree that access had been granted in full. The complainant indicated that the breakdown between provincial and federal contributions had not been provided, and the money disbursed to date in 2024-25 as of October 31, 2024, had not been provided. Although the records indicated that this data was not currently available, the complaint disputed this as it has been easily provided in the past outside of the FIPPA process.

April 2, 2025 - The public body confirmed that the amounts listed in the records represented the federal amounts, except for the one amount that specifically indicated the provincial amount. They explained that the province's cost matching was through recognition of the funding of another already existing provincial program rather than directly to the CMHB. MHRC also advised that they are trying to get a more up to date record of the money disbursed in 2024-25 to provide to the complainant.

April 3, 2025 - The complainant advised the public body that they also believed the 2024-25 client data for the number of individual participants for the various streams should be available as it had also easily been provided in the past outside of the FIPPA process. The public body acknowledged the correspondence and advised they would look into the complainant's questions.

April 9, 2025 - The complainant raised the concern that the records did not contain any information related to the SGBV stream. The public body acknowledged receipt and advised they are following up on the queries.

April 15, 2025 - The public body revised one record which now included the federal disbursed amount in the fiscal year 2024-25 to October 31, 2024 (the date of the request), as well as the federal disbursed amount to March 31, 2025, sent it to the complainant, and apologized for the delay.

April 16, 2025 - The complainant advised that the client data for 2024-25 had not been disclosed and they had not received an explanation of why the SGBV information had not been provided.

April 28, 2025 - The complainant submitted a complaint to our office.

April 28, 2025 - The public body explained that the client data for 2024-25 was not included in the response because it was not available at the time of processing the request. With respect to the SGBV stream, they apologized as their focus was on the streams under the main Canada-Manitoba agreement related to the CMHB and they had misinterpreted the request as not being related to the SGBV stream. The public body said that they understood the client data for the 2024-25 fiscal year and the SGVB stream had been provided to the complainant through a media inquiry. They asked if there was any outstanding information still required.

April 29, 2025 - The complainant indicated that they are seeking the responsive records to be provided through their FIPPA access request. They also questioned why the client data information was not available at the time the request was processed.

April 30, 2025 - The public body provided the 2024-25 client data. The complainant responded and asked why the information had not been broken down by stream like it had been for the other years. They also advised that the client data as of October 30, 2024, had still not been provided. The public body referenced a phone call with the complainant on the same day and advised they would look into their question about a discrepancy in a past year's disbursed amount between the initial and the revised record.

May 21, 2025 - The public body provided the 2024-25 client data broken down by stream. They also provided an explanation about why the amount disbursed for 2022-23 differed between the initial and revised record. They explained that the amount had changed between the time the records were provided and the revised record reflected the most up to date amount.

May 26, 2025 - The complainant asked for further clarification of the explanation provided on the discrepancy between the initial and revised record.

June 4, 2025 - The public body provided the requested explanation, and the complainant advised our office they now had received the information they had requested.

Throughout this period of correspondence, the complainant and public body also had phone conversations about the request. The complainant also followed up between responses requesting updates from the public body.

ANALYSIS & FINDINGS

Did the public body fulfill its duty to assist as required by FIPPA?

Section 9 of FIPPA imposes on public bodies 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.*

As explained in our office's practice note *The Duty to Assist under FIPPA – Elements of the duty to assist*², the duty to assist is a formal obligation that is necessary for public bodies to fulfill throughout the stages of processing an access request.

The Duty to Respond without Delay

Under FIPPA, a public body must make every reasonable effort to respond within the 45-day time limit. We note that based on the information provided by the public body, this access request was received by MHRC on September 12, 2024. When considering the time limit of 45 days to process an access request as outlined in subsection 11(1) of FIPPA, the due date for response would have been October 27, 2024 (plus one day because this was a Sunday). However, the response was not issued until March 31, 2025, which means the response was 154 days passed the due date. While a complaint was not submitted to our office specifically related to the failure to respond within the time limit, this is nonetheless a significant and unacceptable delay. The public body did not respond without delay and therefore did not fulfill this aspect of its duty to assist.

We suggest the public body review our office's practice note *Guideline on timeframes for processing a FIPPA request*³ and stage its activities to match the timeframes for individual

² The Duty to Assist under FIPPA – Elements of the duty to assist:
<https://www.ombudsman.mb.ca/resource/fippha-phia-practice-notes/>

³ The Guideline on time frames for processing a FIPPA:
<https://www.ombudsman.mb.ca/resource/fippha-phia-practice-notes/>

steps in processing requests, to ensure future requests are processed within the legislative time limit.

The Duty to Respond Openly

Public bodies must make every reasonable effort to respond openly to an access request. Examples of openness include discussing with a requestor whether creating a record in the form requested would meet their request and providing information to the requestor to explain a record to which access is given.

Upon review of the public body's FIPPA file we noted that a decision was made to create a record in response to this access request and in the response to the complainant MHRC stated: "In response to your request, we have compiled the enclosed records in a manner consistent with your request" and that access had been granted in full.

We note that subsection 10(2) of FIPPA permits public bodies to create a record in the form requested by the applicant:

Creating a record in the form requested

10(2) *If a record exists but is not in the form requested by the applicant, the head of the public body may create a record in the form requested if the head is of the opinion that it would be simpler or less costly for the public body to do so.*

We appreciate that the public body created a record to align with how the complainant asked for the information to be provided. We also understand, based on our review of the public body's FIPPA file, why it would have been simpler to create a record in order to provide the information in the manner that was requested.

The complainant indicated that they were concerned the request may have been treated as a media inquiry as they had been provided with the requested information, but not the responsive records. In our view, this concern could have been alleviated with a more thorough explanation of how and why the public body created the record in response to the request and confirmed with the complainant that this would meet their request and we encourage the public body to do this in future.

Subsection 14(2) of FIPPA allows public bodies to provide any additional information to explain a record:

Explanation

14(2) *The head of a public body who gives access to a record may give the applicant any additional information that the head believes may be necessary to explain it.*

We note that in representations to our office that the public body has indicated that its Access and Privacy Unit do not usually provide an explanation of the content of records provided in an access request. However, for the purposes of FIPPA the Access and Privacy Unit is part of the public body and not an entity on its own. The public body as a whole is responsible for processing the request, and for trying to address any questions an applicant may have about the access decision.

After reviewing the correspondence between the complainant and the public body, it appears the complainant asked why certain information had not been included in the records and why discrepancies in the information in the records existed. These questions relate to the interpretation of the request and the adequacy of the public body's search for requested information. In our view it would be reasonable for a public body to provide an explanation or additional information to answer these questions, which the public body did. However, the complainant also expressed concern that it took persistent communication and questioning to receive a fulsome response from MHRC. While we acknowledge that the Access and Privacy Unit may not be the subject matter experts, consideration should have been given to facilitating a discussion with the program staff in order to fulfill its duty to assist obligations.

Answering questions and providing additional explanation and information about the records is an example of responding openly. However, we also recognize the complainant's concern that this communication would not have been necessary if the information had been fully provided in the initial response and it should not have taken persistent communication to obtain the requested information. While the public body ultimately answered the complainant's questions, if the Access and Privacy Unit had facilitated discussions between the applicant and program staff early in the process, an explanation could have been provided. This may have prevented the need for the complainant to ask many, if not all of the questions they raised upon receiving the access decision and records.

The Duty to Respond Accurately

Responding to an access request requires both an adequate search and thorough review of responsive records. We reviewed the public body's FIPPA file created and maintained in response to this access request, and it appears that a thorough search was conducted,

responsive records identified, and information gathered. The records and gathered information were reviewed and the information responsive to the request was compiled into a created record consistent with parameters set out in the request.

However, when the revised record was issued to provide additional information that had not been provided in the initial response, the complainant noted a discrepancy in an amount that would be presumed to have remained static (the 2022-23 annual amount disbursed). It was only after the complainant questioned the public body about why the records differed that the public body provided an explanation. Given that the information changed after the request was originally processed, the public body was not obligated to re-calculate the annual amount disbursed and should be recognized for going further than what is required by FIPPA. However, the lack of explanation for the change caused the complainant to perceive that a different amount was being provided because the initial amount was inaccurate, rather than the revised amount simply reflecting information that had been updated post-processing of the request. It would be reasonable for the public body to expect that any applicant seeing such a change would have questions about it, and in our view, this concern could have been alleviated if the public body had proactively provided an explanation of why the information differed between the records.

Although MHRC was able to provide explanations to confirm the accuracy of the records, we believe that in future this should be provided on a proactive basis.

The Duty to Respond Completely

The response to an access request must address all records that were requested, particularly where responsive records do not exist or are not being provided in full. In this case, the public body's access decision stated that access was being granted in full. However, the information provided in the created record did not address all parts of the access request.

The complainant raised concerns with the public body that it did not appear that all of the requested records had been provided and raised specific parts of the information they requested that had not been included in the records they received. The public body issued a revised record to include some of the missing information.

As referenced in the timeline outlined earlier in this report, the complainant continued to raise concerns that information had not been provided in full.

Although the public body has suggested that the correspondence with the complainant was for the purpose of explaining the contents of the records, much of the correspondence appears to relate to the complainant's concerns that parts of the requested information had not been included in the response, with no explanation on the part of the public body of why this was the case.

The public body issued a revised record and later provided additional information responsive to the request that had not been included in the initial response. MRHC did not respond completely in its initial response but through additional communication with the complainant eventually provided all information responsive to the request. Moreover, the public body provided updated information for 2024-25, some of which did not yet exist at the time the request was made.

CONCLUSION

Based on our review, we determined that the public body did not fulfill all of its obligations under the duty to assist as required by section 9 of FIPPA in its initial response. Therefore, the complaint is partly supported.

We are satisfied that through continued communication with the complainant that the public body eventually fulfilled its duty to assist, and in some cases provided information beyond what existed as of the time the request was made and/or processed. In these instances, by providing updated information, the public body exceeded what would be required under the duty to assist.

Observation

The resolution of the Federal, Provincial and Territorial Information Commissioners and Ombuds (FPT Information Regulators)⁴ issued on October 8, 2025, speaks to the importance of transparency and clear communication by public bodies. Access to reliable information is critical as misinformation can erode public trust and undermine our democratic system. When applicants question whether the records they have been provided are accurate or complete, this has the potential to undermine trust in the public body and increases the risk of the spread of misinformation. Applicants may perceive that

⁴ Trust, transparency, and democracy in an era of misinformation, resolution of the Federal, Provincial and Territorial Information Commissioners and Ombuds responsible for overseeing access to information (FPT Information Regulators): <https://www.oic-ci.gc.ca/en/resources/news-releases/canadas-information-regulators-call-their-respective-governments-promote#trust>

public bodies are trying to hide something, even though these types of gaps often arise through misunderstandings, human error, or limited capacity or experience on the part of public body staff who continually must do more with less.

The issues related to this request were resolved based on the efforts of both the complainant and the public body following the issuance of the initial access decision. Continued correspondence to resolve concerns is an important part of the access request process. We commend both parties for their efforts to come to a resolution, and we would like to recognize the public body's efforts to provide updated information through this process, even though this was not originally explained to the complainant.

The complainant in this case has both experience and a sophisticated understanding of the FIPPA access process, and other applicants may not have the knowledge to effectively pursue a resolution to the same extent. Other applicants in similar circumstances may simply walk away with a sense of distrust that affects their future interactions with the public body and perhaps even other public bodies. The onus should not be on the applicant to identify shortcomings in a response. When public bodies communicate openly and proactively and make accurate information available to the public, it demonstrates diligence in fulfilling their duty to assist obligations and contributes to building public trust and confidence in our democratic system.

This report is available in alternate formats upon request.

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