



**MANITOBA
OMBUDSMAN**

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT INVESTIGATION REPORT

Natural Resources
and Indigenous
Futures

No Response
Complaint

CASE#MO-14719
Final Report with
Recommendations &
Response

Issued to Public Body:
February 20, 2026

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Provisions considered:
FIPPA 9, 11(1), 11(2), 12(1),
12.1(1), 12.1(4), 15(1),
82(4)



MANITOBA OMBUDSMAN ROLE

The Manitoba Ombudsman plays a crucial role in safeguarding the access to information rights of citizens by reviewing and investigating access to information and privacy complaints and determining public body compliance with the objectives and provisions of 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.

If recommendations in a report are not accepted, implemented or responded to, the Ombudsman may ask the information and privacy adjudicator to review the public body's decision, action or failure to act in the matter. The adjudicator is an independent officer of the Legislative Assembly of Manitoba separate from the Ombudsman's office. Upon completing a review, the adjudicator may issue an order, a copy of which is provided to the complainant, the public body and the Ombudsman. The public body is required to comply with the order.

SUMMARY

This report concerns an investigation under The Freedom of Information and Protection of Privacy Act (FIPPA) relating to an access request made to the Department of Natural Resources and Indigenous Futures (the public body or the department). The complainant contacted our office with a complaint that the public body did not provide the applicant with a decision to their access request within the legislated time limit of 45 days.

Based on our review, we determined the Department of Natural Resources and Indigenous Futures failed to respond to the complainant's request within 45 days as required under FIPPA. Therefore, this complaint is supported.

Our office issued a recommendation that the public body provide an access decision to the complainant by March 10, 2026. The public body complied with the time limit to respond in writing to our report and recommendation and accepted the recommendation on March 5. The public body issued an access decision letter to the complainant on March 20, within the legislated time limit for compliance which is 15 days after accepting a recommendation.

BACKGROUND

The complainant advised that on July 7, 2025, they requested documentation relating to the following:

- 1) the issuance of [the complainant's] 2025 Wildlife Management Area Use Permit (the "**Permit**"),
- 2) the imposition of [specified] new conditions in the Permit, and
- 3) the issuance of all 2025 CWMA permits to any other permittees.

The Department of Natural Resources and Indigenous Futures responded on July 11, 2025, to suggest revisions to the request, and on July 18, 2025, formally requested additional information be provided. The following timeline ensued:

- On August 1, 2025, the complainant provided additional information to revise their request.
- On August 20, 2025, the public body sent a fee estimate to the complainant.
- On August 21, 2025, the complainant confirmed with the public body they wished to proceed with their request.
- On August 22, 2025, the complainant paid the fees.
- On September 8, 2025, the public body advised the complainant that the program area was working on collecting records.
- On October 14, 2025, the public body advised the complainant that the package was of large volume, over 4,500 pages, and will take significant time to review. However, the public body did not provide the complainant with an estimate of time as to when they could expect to receive the records.
- On November 14, 2025, the public body indicated to the complainant that the package of records was under review and approval which would take significant time due to the volume of records.

After November 14, 2025, the public body had no further communication with the complainant regarding the access request. It said the complainant shared they submitted a complaint with the Ombudsman. Due to this, and the fact that the complainant knew the response was overdue and there was a large volume of records, the public body indicated it did not provide further updates to the complainant.

INVESTIGATION AND ANALYSIS

Applicable Legislation

Under subsection 11(1), public bodies in Manitoba are required to respond to access requests made under FIPPA within 45 days:

Time limit for responding

11(1) The head of a public body shall make every reasonable effort to respond to a request in writing within 45 days after receiving it unless

(a) the time limit for responding is extended under section 15; or

(b) the request has been transferred under section 16 to another public body.

When responding to a request, a public body is required to include information specified in section 12(1) of FIPPA including whether access to the record is granted or refused. The failure to respond within 45 days constitutes a decision to refuse access:

Failure to respond

11(2) The failure of the head of a public body to respond to a request within the 45-day period or any extended period is to be treated as a decision to refuse access to the record.

When a public body formally requests additional information from an applicant that is necessary to process a request, as happened in this case, the time limit is suspended until the information is received, in accordance with provisions of section 12.1 of FIPPA:

Additional Information

12.1(1) The head of a public body may require an applicant to provide additional information in relation to an application, including requesting additional information that is necessary to identify a requested record.

Effect of request on time limits

12.1(4) *When a request is given to an applicant under this section, the time within which the head is required to respond under subsection 11(1) is suspended until the applicant provides the additional information.*

The time limit is also suspended when a public body provides a fee estimate until the applicant indicates they wish to proceed, as happened in this case.

Effect of estimate on time limits

82(4) *When an estimate is given to an applicant under this section, the time within which the head is required to respond under [subsection 11\(1\)](#) is suspended until the applicant notifies the head that the applicant wishes to proceed with the application.*

Other circumstances may also enable a public body to extend the time to respond to a request for period of up to an additional 30 days, or for a longer period if the Ombudsman agrees. The extension must be taken within 45 days of receiving the request, which did not occur in this case. Reasons to extend the response time include the existence of large numbers of records that must be searched or the need for time to consult with a third party or to obtain legal advice.

Extending the time limit for responding

15(1) *The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if*

(a) [repealed] [S.M. 2021, c. 43, s. 9](#);

(b) responding within the time period set out in section 11 is unreasonable because of

(i) the large number of records requested or that must be searched, or

(ii) the number of requests made by the applicant or by two or more applicants who are associated within the meaning of the regulations;

(c) time is needed to consult with a third party or another public body, or to obtain legal advice, before deciding whether or not to grant access to a record;

(d) a third party makes a complaint under subsection 59(2);

(e) the applicant consents to the extension; or

(f) exceptional circumstances warrant the extension.

Analysis

The request for information at issue was submitted to the public body on July 7, 2025. There were approximately 16 days when the period for a response was suspended in relation to a request for additional information and a fee estimate. Taking into consideration the days of suspension, the response should have been provided no later than September 8, 2025. Given that the complainant paid the fees associated with the request on August 22, 2025, this left the public body 17 days to provide an access decision.

The complainant contacted our office 75 days after they paid the fee estimate, concerned they still had not received an access decision. There was no indication from the correspondence provided to our office by the complainant or the public body that the time limit for the request was extended, nor had a request to our office been made to extend the time limit. Had the public body wanted to seek an extension, that request should have been made prior to the September 8, 2025, response date, within the legislated 45-day time period to process a request.

On January 5, 2026, we contacted the public body to provide notification of investigation and to request a status update or anticipated request response date. The public body advised it was still processing the request.

The Access and Privacy Branch¹ (the branch) advised our office it received over 5,000 pages of responsive records from the department. The branch said it has had meetings with senior officials of the department on multiple occasions regarding the request and the volume of records. It said preparing this significant volume of records resulted in 38 hours (two weeks) of conversion time (e.g. converting e-mails/communication to PDF format). Beyond the complexity posed by the volume of responsive records, the public body explained that the matter was made more complex due to related ongoing litigation. As well, at the time the access request was submitted, the department was processing 48 other FIPPA requests.

¹ The Access and Privacy Branch is the Manitoba Government's centralized unit for the access and privacy coordinator function under FIPPA. It serves all department public bodies and is located within the Department of Finance.

Given the volume of records and the stated need for discussion and legal consultation, we asked whether the public body had considered extending the time limit to respond under clause 15(1) of FIPPA. The branch explained it did not formally seek a 30-day extension with the complainant because it was still collecting records on September 8, 2025, the deadline for response. The branch told our office that because it did not secure the 30-day extension with the complainant, it also did not apply to the Ombudsman for a longer extension, as per the legislation, as past precedent regarding decisions about longer extensions indicated it would not likely be approved.

Regardless of when the department provided all the records to the Access and Privacy Branch, the branch had sufficient information to prepare a fee estimate in August. We asked the public body on what basis it arrived at the figure set out in the fee estimate. On February 5, 2026, the public body said the fee estimate was based on the time it took to search and prepare the records; this includes the department conducting a search and providing records and the branch converting the records to the applicable format (PDF). According to the complainant, the access coordinator informed them on August 27, 2025, that the department had one week to provide responsive records for its review. We note this would only give the branch five days to conduct a line-by-line review of the records, apply any necessary exceptions and consult with legal or other third parties (if required).

Given that the act specifies a time limit of 45 days (unless the time limit is extended), public bodies should be prepared to support and facilitate the FIPPA process in a manner that enables the opportunity to assess the appropriateness of seeking an extension within the 45-day period.”

Our office’s guidance on time frames for processing a FIPPA request suggests that, in order to achieve the time limit set out in FIPPA, a public body should anticipate up to ten days to review records, obtain a legal opinion if necessary and prepare a draft response package (including a draft access decision letter and severed records) and not more than five to ten days for internal review and finalizing and issuing the decision². In this case,

² <http://www.ombudsman.mb.ca/wp-content/uploads/2025/07/PN-FIPPA-guideline-on-time-frames-for-processing-request-EN.pdf>

the public body did not allow itself enough time to review the records and arrive at a decision.

We noted that on October 14, 2025, 36 days following the due date for response, the branch contacted the applicant with an update. The branch stated

“...we received records for this file. It took our office about 2 weeks to convert records and prepare a package. The package is of a significant volume, over 4500 pages. This file, due to its size and ongoing litigation will take significant time for review and approval.”

Our office acknowledges this request was filed around the same timeframe as two other requests (our files MO-14720 and MO-13889) from the complainant, representing a total of over 7,000 pages of records, which could have had an operational impact on the department.

On January 23, 2026, the branch informed our office it was still processing the request. In subsequent discussion the branch indicated that additional time to process the large volume of responsive records, including time to obtain legal advice, would be required before a decision about access is reached.

On January 28, 2026, we asked the public body whether it considered releasing records on a rolling basis. It advised that the records package in its entirety needed to be provided to its legal department to obtain legal advice.

On February 5, 2026, the public body advised our office it had completed converting the records, reviewing the records, including making proposed redactions and having provided the records to their legal department for review. Prior to release, the public body said the records package will need to move through its approval process, which it anticipates will be completed in April. At the time of issuing this report, excluding the periods of suspension, it has been 211 days since the complainant’s request for access was submitted to the public body, well outside the period set out in the legislation.

Our investigation also considered whether the public body fulfilled its duty to assist obligations in this case. When responding to a request for information, public bodies have a duty to assist in the stages of processing an access request as set out in section 9 of FIPPA.

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.

An aspect of the duty to assist a requestor includes determining whether a request can be clarified to avoid unnecessary costs and time, including communicating with the requester to help identify the true intent of the request, rather than solely relying on the exact terms or identifiers used in the request. The public body demonstrated its duty to assist when it received and commenced processing the access request.

The duty also requires public bodies to respond without delay, openly, accurately and completely. When informing applicants of any delay in processing a request, it is best practice for a public body to communicate openly and completely. This includes providing an estimated response date and keeping the applicant reasonably informed about the progress in processing a request, as recommended in our practice note available on our website.³ The public body provided the applicant with monthly updates on its progress in processing the request until November 14, 2025.

FINDINGS

Our office considered the time limit to respond to an access request under FIPPA, including whether the public body made every reasonable effort to respond to the request in writing within the 45-day period specified in FIPPA. Our investigation found that although the public body was in regular communication with the complainant since the request for access was submitted, the public body did not extend the time limit to respond, nor seek a formal extension from the Ombudsman. We found the public body

³ <https://www.ombudsman.mb.ca/resource/fippa-phia-practice-notes/>

did not respond within the 45-day time limit and did not make every reasonable effort to respond without delay.

We recognize that, in this case, the public body attributed part of the delay to the volume of records involved and the need to consult with its legal department, which are some of the reasons set out in FIPPA that would justify an extension of the response time. However, the public body advised it had not taken an extension under section 15(1) as it didn't have the complete package of responsive records before September 8, 2025, the last day in the legislated time limit to respond.

Our office also considered the public body's duty to assist the applicant throughout the response process. We found the public body worked with the complainant to narrow the request, seek additional information to understand the request better, and offer suggestions to clarify the request after the initial clarifications did not result in the production of any records. The public body also advised the complainant fees would be required to process the request and issued a fee estimate. However, those efforts must take into consideration legislated time periods to review records to provide a decision about the access request.

Although larger public bodies may have several different staff members involved in collecting and reviewing records to process an access request, internal processes -- including consultation with a legal department -- must not unreasonably extend the time it takes to respond to an access request. The obligation to keep an applicant reasonably informed about the progress in responding to a request, including providing a date of expected release for an access decision, does not end upon the filing of a complaint to the Ombudsman. It is best practice for public bodies to remain in communication with applicants even after a complaint to the Ombudsman is filed.

As the response to the access request remains outstanding and there is no evidence any extensions were requested or granted, we believe the public body should review the circumstances of this case to identify improvement opportunities for the future. It should take steps to address these areas to ensure the time periods in legislation are complied with and requests for extensions of the time periods, if appropriate, are made in a timely manner.

We find this complaint supported.

RECOMMENDATIONS & REQUIREMENT TO RESPOND

Based on the above findings, and the fact that it is now over six months since the applicant submitted an access to information request, the Manitoba Ombudsman makes the following recommendation to the Department of Natural Resources and Indigenous Futures:

Recommendation 1:

The Ombudsman recommends the Department of Natural Resources and Indigenous Futures provide a response to the complainant's access request, consistent with section 11 of FIPPA, no later than March 10, 2026.

Requirement to Respond to the Recommendations

Under subsection 66(4), the Department of Natural Resources and Indigenous Futures must respond to the Ombudsman's report in writing within 15 days of receiving this report. As this report is being sent by email to the head of the public body on February 20, 2026, the head shall respond by March 7, 2026. The head's response must contain the following information:

Head's response to the report

66(4) *If the report contains recommendations, the head of the public body shall, within 15 days after receiving the report, send the Ombudsman a written response indicating*

(a) that the head accepts the recommendations and describing any action the head has taken or proposes to take to implement them; or

(b) the reasons why the head refuses to take action to implement the recommendations.

Ombudsman to Notify Complainant of Public Body's Response

When the Ombudsman has received the Department of Natural Resources and Indigenous Futures' response to her recommendation(s), she will notify the complainant about the head of the public body's response as required under subsection 66(5).

The Public Body's Compliance with Recommendations

If the head of the public body accepts the recommendations, subsection 66(6) requires the public body to comply with the recommendations within 15 days of acceptance of the recommendations or within an additional period if the Ombudsman considers it to be reasonable. Accordingly, 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.

Alternatively, if the head of the public body believes that additional time is required to comply with the recommendations, the public body's response to the Ombudsman under subsection 66(4) must include a request that the Ombudsman consider an additional period of time for compliance with the recommendations. A request for additional time must include the number of days being requested and the reasons why the additional time is needed.

The public body complied with the time limit to respond in writing to our report and recommendations. On March 5, 2025, the public body notified our office that it accepted our recommendation and requested an additional 10 business days, until March 20, 2026, to process the request due to ongoing litigation, complexity, size of the file and workload.

Our office advised the public body that, under FIPPA, it had 15 days from the date of accepting the recommendation to comply. Issuing a response on or before March 20 would be within the time limit of 15 days so no additional time was required. The access decision was issued on March 20. Our office reviewed the access decision and determined that the public body had complied with our recommendation.

This report is available in alternate formats upon request.

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