



# Accessing City Records

through *The Freedom of Information Act*

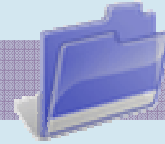
A Guide to obtaining access to City records through FIPPA



*The City of Winnipeg*

City Clerk's Department

***Last Update: April, 2009***



## The City of Winnipeg and FIPPA

The City of Winnipeg promotes citizen engagement in political decision-making processes by providing access to information in a responsive, comprehensive and transparent manner. The City is also committed to the protection of privacy and the proper collection and use of personal information in accordance with the requirements of *The Freedom of Information and Protection of Privacy Act* (FIPPA).

### What is FIPPA?

*The Freedom of Information and Protection of Privacy Act* of Manitoba, commonly known as FIPPA, was enacted by the Province of Manitoba in June 1997. The City of Winnipeg came under FIPPA legislation on August 31, 1998. Under FIPPA, you may request access to City records and information about yourself or other matters of interest to you, if they are not readily obtainable through “over-the-counter” requests.

### Access to Information

In most cases, City records or information can be obtained **without** making a formal application for access under FIPPA. Citizens are encouraged to contact the appropriate City department before filling out a FIPPA application for access. For records that cannot be obtained through the regular process, FIPPA provides citizens with the legal right of access to records held by the City of Winnipeg, subject to certain exceptions.

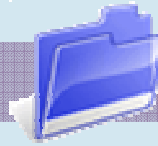
Upon receipt of an Access to Information Application made under FIPPA, the City of Winnipeg is obligated to respond and provide access to the request, subject to certain exceptions under the Act. The Act permits, and in some cases requires that, certain types of information be withheld for security and/or privacy reasons.

If you are not satisfied with the response you receive, you have the right to file a complaint with the Manitoba Ombudsman.

### Records Available without an Application

As mentioned above, information can often be obtained without making an application for access under FIPPA. *The City of Winnipeg Charter* sets out a list of records that are available upon request and states that:

“The City Clerk must, within a reasonable time after the request of any person, provide access to, or direct the person to another employee who has custody of and who must provide access to, any of the following city records:



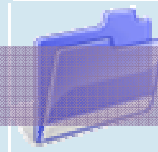
- a) The assessment rolls of the city for the current year and for the two preceding years;
- b) The tax rolls of the city for the current year and for the two preceding years;
- c) Quarterly financial reports for the current fiscal year prepared by the chief financial officer;
- d) The agenda for any open meeting of council or of a committee of council;
- e) Any report that has been received by council at an open meeting;
- f) The approved minutes of any open meeting of council or of a committee of council;
- g) Attachments to the minutes of any open meeting of council or of a committee of council;
- h) By-laws;
- i) Any resolution passed at an open meeting of council or a committee of council;
- j) Records prepared by the city in respect of streets, showing the numbers of the buildings on them, and the names and numbers of all multiple dwellings and business buildings, if any;
- k) The audited statements of election expenses of, and contributions for, any candidate in a general election held to fill a vacancy on council."

Note also that the FIPPA process does not apply to information that is published or otherwise routinely distributed to the public by the City of Winnipeg.

### Protection of Privacy

FIPPA provides for the protection of privacy and personal information by limiting the ways that personal information can be collected, used and shared. Apart from the exceptions that are laid out in the Act, the City of Winnipeg cannot collect, use or share your personal information without your consent.

You have the right to make a complaint to the Manitoba Ombudsman if you believe that your personal information has been improperly collected, used, or shared by the City.



### Submitting a FIPPA Application

A request to obtain information under FIPPA must be made by filling out an **Application for Access form**, available at [http://winnipeg.ca/clerks/pdfs/fippa/FIPPA\\_App.pdf](http://winnipeg.ca/clerks/pdfs/fippa/FIPPA_App.pdf), or from the City Clerk's Department, or at various City departments and public library branches. The completed form can be submitted, in person, to the City Clerk's Department or sent to us by:

Mail: Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9

Fax: 204.947.3452 or

Email: [cityclerks@winnipeg.ca](mailto:cityclerks@winnipeg.ca)

### The City's Response

The City must respond to your request within 30 days; however, an extension of time may be taken if:

- more information is required from you before the records you want can be located;
- a large number of records has been requested or must be searched in order to satisfy your request; or
- more time is needed to consult with a third party or another public body before making a decision to grant access.

**If you are granted access** to the records that you requested, the City's response must include details as to where, when, and how access will be given and an estimate of the fees (if any) that you will be charged.

**If you are denied access**, the City's response must include the reason(s) why your application is refused; the specific section of the FIPPA legislation on which the refusal is based; and the title and business telephone number of a City employee who can answer your questions about the refusal.

### Fees

There is no charge for making an application under FIPPA. Each application entitles you to two free hours of search and preparation time. If the search and preparation time needed to answer your request takes longer than two hours, you will be charged \$15.00 for each half-hour in excess of two hours.

Charges for copies of City records are \$.20 per page for paper copies made from a photocopier or computer printer and \$.50 per page for paper copies made from a microfilm printer. Copying fees are waived if you are requesting copies of your own personal information and if the total fee is less than \$10.00. The City will also charge you \$10.00 for every 15 minutes of computer programming or data processing that is needed to fulfill your request.

If there are fees associated with your request, an Estimate of Costs may be sent to you for review and approval before further work is undertaken.



THE CITY OF WINNIPEG  
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

APPLICATION FOR ACCESS

**Applicant Information**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postal Code: \_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**What Information Are You Requesting?** Please check one (✓)

My own personal information: \_\_\_\_\_

Personal information for another person

General information: \_\_\_\_\_

(attach Proof of Authority): \_\_\_\_\_

I wish to obtain access to the following records:

**sample**

Applicant's Signature: \_\_\_\_\_

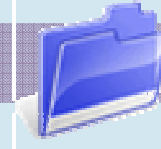
Submit completed requests to: City Clerk's Department  
Council Building, 510 Main Street  
Winnipeg, Manitoba R3B 1B9  
Attention: City Clerk

PHONE:  **311**  
Winnipeg at your service.

**FOR PUBLIC BODY USE ONLY**

Date Received: \_\_\_\_\_

File No.: \_\_\_\_\_



**sample**  
COMPLAINT FORM

Freedom of Information and Protection of Privacy Act

PLEASE SEND THIS FORM TO:  
Ombudsman Manitoba  
750-502 Portage Avenue  
Winnipeg, Manitoba R2C 3K1  
Phone: (204) 982-8130  
Toll Free: 1-800-565-0031  
Fax: (204) 942-7803  
Web site: www.ombudsman.mb.ca

The Ombudsman's Office will provide a copy of your completed form to the public body concerned.

Please print clearly.

**YOUR INFORMATION**  
Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_  
Daytime Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
May a message be left at your daytime telephone number?  Yes  No

**REPRESENTATIVE INFORMATION** (Complete only if you want to be represented by another person)  
I authorize the following person to act on my behalf and to receive any personal information about me, as necessary for the purposes of this complaint.  
Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
Address: \_\_\_\_\_

## Filing a Complaint under FIPPA

A complaint to the Manitoba Ombudsman must be filed using the prescribed **Complaint Form** that is available from:

- **Manitoba Ombudsman's website, Access & Privacy Division**  
<http://www.ombudsman.mb.ca/pdf/FIPPACOM.pdf>

### Province of Manitoba FIPPA website

<http://www.gov.mb.ca/chc/fippa/pdfs/complaint.pdf>

The complaint will be reviewed by the Manitoba Ombudsman's office, and a representative will inform you in writing if they decide not to investigate the complaint. If the complaint is investigated, you will be given the opportunity to state your case to the Ombudsman.

Generally, an investigation must be completed and a report made within 90 days after a complaint is filed. The City is obligated to send a written response to the Ombudsman within 15 days after receiving the report.

## Filing an Appeal

If you are still not satisfied after receiving the Ombudsman's report, you may launch an appeal to the Manitoba Court of Queen's Bench. Generally, an appeal must be filed with the Court within 30 days after you receive the Ombudsman's report.

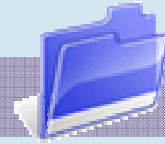
The decision of the Court of Queen's Bench regarding a FIPPA matter is final and cannot be further appealed.

## Correction of Personal Information

If you have been given access to records containing your personal information and you believe that there are errors or omissions in this information, you may request that the City correct the data. The request should be made in writing to the appropriate City department or office.

In accordance with FIPPA, the City must respond to your request within 30 days. If it refuses your request to make the corrections, it must inform you and give the reason for the refusal. In the case of a refusal, your written request for correction must be placed on file.

You have the right to appeal a decision regarding the correction of your personal information to the Manitoba Ombudsman by filling out the prescribed complaint form and attaching a letter describing the details of your concerns.



### The Freedom of Information and Protection of Privacy Act (FIPPA) Process



#### Making a Request for Information under FIPPA

##### 1. Applicant

Applicant completes the **Application for Access** form and submits the application to the City Clerk's Department.

##### 2. City Clerk

The City Clerk's Department processes the FIPPA application and forwards it to the appropriate City department(s).

##### 3. City Department

The Department must respond to the applicant within 30 days or advise, in writing, that an extension of time is required.

#### Filing a Complaint under FIPPA

An applicant can file a complaint with the Manitoba Ombudsman about any response, decision, act or failure to act by the City.

##### 1. Complainant (Applicant)

Generally, a complaint must be made within 60 days after notification of the City's decision. The complainant must fill out a **Complaint Form** and submit it to the Manitoba Ombudsman.

##### 2. Manitoba Ombudsman

The Ombudsman determines if the complaint requires an investigation. If so, a report must be completed within 90 days of receiving the complaint and the complainant notified of the Ombudsman's findings and decision.

#### Filing an Appeal

A complainant who is still not satisfied with the Ombudsman's decision has the right to file an appeal with the Court of Queen's Bench.

The appeal must generally be filed within 30 days after receiving the Ombudsman's report.

The decision of the Court is final and cannot be further appealed.

*This booklet is published by the City Clerk's Department*

For more information about FIPPA and the **City of Winnipeg**, contact:  
**City Clerk's Department**

Council Building  
510 Main Street  
Winnipeg, Manitoba  
R3B 1B9

**Phone:** 311

**Email:** [cityclerks@winnipeg.ca](mailto:cityclerks@winnipeg.ca)

**Visit** the City Clerk's web page: [www.winnipeg.ca/clerks](http://www.winnipeg.ca/clerks)

For more information about FIPPA and the **Province of Manitoba**, contact:  
**Information and Privacy Policy Secretariat**

130-200 Vaughan Street  
Winnipeg, Manitoba R3C 1T5

**Phone:** 204.945.1252 or

**Email:** [fippa@gov.mb.ca](mailto:fippa@gov.mb.ca)

**Visit** the Information and Privacy Policy Secretariat website:

<http://www.gov.mb.ca/chc/fippa/index.html>