CONFIDENTIAL

January 10, 2019

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act: Request Number 18 12 1173

On December 11, 2018, the City of Winnipeg City Clerk’s Department received your request for access to the following records:

I would like access to the number of fogging buffer zones in effect for the calendar years 2007 to 2018 in each of the City of Winnipeg's 51 Insect Management Areas (IMAs).

Access to these records is refused, as providing the information as requested could readily identify individual registrants to the Buffer Zone program. The information in these records falls within the following exceptions to disclosure in The Freedom of Information and Protection of Privacy Act:

Disclosure harmful to a third party’s privacy
17(1) The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's privacy.

Disclosures deemed to be an unreasonable invasion of privacy
17(2) A disclosure of personal information about a third party is deemed to be an unreasonable invasion of the third party's privacy if

(c) disclosure could reasonably be expected to reveal the identity of a third party who has provided information in confidence to a public body for the purposes of law enforcement or the administration of
an enactment;

When citizens register for a mosquito fogging buffer zone, they are providing information that allows the City to administer the Insect Control Branch's Pesticide Use Permit issued by Manitoba Conservation, Environmental Assessment and Licensing Branch, pursuant to Provincial legislation. As this information has not historically been disclosed, there is a public expectation of privacy in this regard. The City's Buffer Zone Registration web page notifies registrants that their personal information is being collected in confidence, solely for the administration of the buffer zone applications, and that their personal information is protected under The Freedom of Information and Protection of Privacy Act.

Mosquito adulticiding has been a highly divisive issue between those who wish to have their properties fogged and those who do not. In light of the division between proponents and opponents of mosquito adulticiding in Winnipeg, the City's position continues to be that disclosure of this information would be an unreasonable invasion of privacy for those who have registered for the buffer zone.

In cases where a particular release of personal information does not fall under subsection 17(2), subsection 17(3) states:

**Determining unreasonable invasion of privacy**

17(3) In determining under subsection (1) whether a disclosure of personal information not described in subsection (2) would unreasonably invade a third party's privacy, the head of a public body shall consider all the relevant circumstances including, but not limited to, whether

(d) the disclosure may unfairly expose the third party to harm;

(e) the personal information has been provided, explicitly or implicitly, in confidence;

(f) the personal information is highly sensitive;

(i) the disclosure would be inconsistent with the purpose for which the personal information was obtained.

As noted, there is often division between proponents and opponents of mosquito adulticiding (fogging) within the city of Winnipeg. In these circumstances, even if the personal information contained in these records is not required to be withheld from disclosure under subsection (2), the City maintains the position that its disclosure would reasonably be considered an invasion of the registrants' privacy on the basis that the personal information collected for pesticide buffer zones is highly sensitive and the registrant could reasonably be expected to be subject to harm as a result of the disclosure.
Furthermore, the collection of this personal information is intended solely to administer the buffer zone applications and not for any other purpose. Disclosing this information would therefore be inconsistent with the purpose for which it was originally collected.

The City's position remains that providing the information requested could possibly identify individual registrants to the Buffer Zone program in certain Insect Management Areas (IMAs). Such a disclosure would constitute an unreasonable invasion of privacy for registrants. However, in examining alternative options for disclosure of information, we have determined that disclosing the number of City's Buffer Zones in larger inclusive IMA clusters would not permit the identification of individual residences. As such, in keeping with our Duty to Assist under Section 9 of The Freedom of Information and Protection of Privacy Act, please find this information enclosed for the requested years of 2007 to 2018.

Section 9 of the Freedom of Information and Protection of Privacy Act:

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.

Subsection 59(1) of The Freedom of Information and Protection of Privacy Act provides that you may make a complaint about this decision to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman
750 - 500 Portage Avenue
Winnipeg MB R3C 3X1
204-982-9130
1-800-665-0531

If you have any questions, please contact me at (204) 986-3041, by email at ssmith@winnipeg.ca, or by mail at the address below.

Sincerely,

Shelly Smith
Records and Information Management Coordinator
Public Works Department

c.c. K. Krahn, Corporate Access and Privacy Officer
**Neighborhoods included**

Kilcona Park, River East, Springfield North, Valhalla, Kildonan Drive, Rossmere A
Eaglemere, Grassie, McLeod Industrial, North Transcona Yards, Springfield South, Valley Gardens, Munroe West, Rossmere B
Chalmers, Glenelm, East Elmwood, Kildonan Crossing, Munroe East, Talbot Grey, Tyne Tees
Griffin, Meadows, Peguis, Radisson, Regent, Victoria West, Canterbury Park, Kern Park, Kildare Redonda, Transcona North
Dugald, Melrose, Mission Gardens, Transcona South, Transcona Yards, St. Boniface Industrial Park, North St. Boniface, Tissot, Central St. Boniface,
Glenwood, Norwood East, Norwood West, Archwood, Maginot, Niakwa Park, Stock Yards, Windsor Park
Alpine Place, Elm Park, Lavalee, St. George, Varennes, Worthington, Kingston Crescent, Minnetonka, Norberry, Pulberry, Victoria Crescent
Niakwa Place, Southdale, Southland Park, Symington Yards, The Mint, Fraipont, Island Lakes, Royalwood, Sage Creek
Dakota Crossing, Meadowood, Maple Grove Park, Normand Park, River Park South, St. Vital Centre, Vista
St. Vital Perimeter South, La Barriere, Parc La Salle, Perrault, Richmond Lakes, St. Norbert, Trappistes, Turnbull Drive
Agassiz, Cloutier Drive, Fort Richmond, Montcalm, University, Fairfield Park, Richmond West, Waverley West, Waverley Heights, Bridgwater Centre,
Tuxedo Industrial, West Perimeter South, Whyte Ridge, Wilkes South, Brockville, Buffalo, Chevrier, Linden Ridge, Lindenwoods, Pembina Strip, West Fort
Beaumont, Crescent Park, Maybank, Parker, Point Road, Wildwood, Betsworth, Ridgewood South, River West Park, Roblin Park, Southboine, Westdale
Elmhurst, Eric Coy, Mariton, Ridgedale, Varsity View, Vialoux, Assiniboine Park, Edgeland, Old Tuxedo, South Tuxedo, Tuxedo,
Central River Heights, J.B. Mitchell, Mathers, Sir John Franklin, South River Heights, Crescentwood, North River Heights, Wellington Crescent
Earl Grey, Ebby Wentworth, Grant Park, McMillan, Rockwood, Roslyn, Lord Roberts, River - Osborne, Riverview
Assiniboia Downs, Buchanan, Kirkfield, Glendale, Westwood, Crestview, Heritage Park, Saskatchewan North, Sturgeon Creek
Birchwood, Booth, Jameswood, Murray Industrial Park, Silver Heights, Woodhaven, Airport
Bruce Park, Deer Lodge, King Edward, Brooklands, Sargent Park, St. James Industrial
Kensington, Minto, Polo Park, St. Matthews, West Wolseley, Armstrong Point, Broadway - Assiniboine, Legislature, Portage & Main, South Portage, The
Central Park, Colony, Daniel McIntyre, Portage - Ellice, Spence, West Alexander, North Inkster Industrial, Oakpoint Highway, Omand’s Creek Industrial,
Burrows - Keewatin, Inkster Industrial Park, Mynarski, Pacific Industrial, Shaughnessy Park, Weston, Weston Shops, Burrows Central, Robertson, William
Centennial, China Town, Civic Centre, Dufferin, Dufferin Industrial, Exchange District, Logan C.P.R., Lord Selkirk Park, North Point Douglas, South Point
Inkster Gardens, Mandalay West, The Maples, Garden City, Leila - McPhillips Triangle, Margaret Park, Templeton - Sinclair
Jefferson, Kildonan Park, Seven Oaks. Amber Trails, Leila North, Riverbend, Rivergrove, Rosser - Old Kildonan, West Kildonan Industrial
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