January 28, 2019

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act: Request Number 18121200

On December 27, 2018, the City of Winnipeg City Clerk’s Department received your request for access to the following records:

Please send me the full name of every person who held the title of Traffic Management Engineer in 2016 & 2017

Under 2(a) of The Freedom of Information and Protection of Privacy Act, the purpose of The Act is to allow any person the right of access to records in the care and control of the public body.

Purposes of this Act
2 The purposes of this Act are
(a) to allow any person a right of access to records in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act;

As your request is seeking information rather than access to specific records, we have provided our response to your query below under Section 10(2) of The Act.

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.
In consultation with the Public Works Department's Human Resources, and the Traffic Management Branch, the Transportation Division has confirmed Stephen Chapman was the Traffic Management Engineer in 2016 and 2017.

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. Krahm, Corporate Access and Privacy Officer
March 12, 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 1200

Although no new information is being provided, I am issuing this new response to your request in order to clarify the City’s position on responding to requests for information, not records.

On December 27, 2018, you submitted the following FIPPA request:

Please send me the full name of every person who held the title of Traffic Management Engineer in 2016 & 2017

In your application, you have asked for information; however, as outlined in section 2 of FIPPA, one of its primary purposes is to allow access to records, not to create lists or answer questions. Accordingly, your application is out of scope.

Purposes of this Act

2 The purposes of this Act are

(a) to allow any person a right of access to records in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act

The Manitoba Ombudsman’s brochure, titled “Tips for making a FIPPA request” (copy enclosed) explains that “if you are seeking an answer to a question, contact the public body directly.” When you require answers to questions, lists, or summaries of information (i.e. not existing records), contact the relevant City Department through 311 for that information.
On this occasion, we have chosen to provide you with the information you have requested, but please note that we are not required to do so under FIPPA.

In consultation with the Public Works Department's Human Resources, and the Traffic Management Branch, the Transportation Division has confirmed Stephen Chapman was the Traffic Management Engineer in 2016 and 2017.

Sincerely,

[Signature]

Shelly Smith
Records and Information Management Coordinator
Public Works Department

c.c. K. Krahn, Corporate Access and Privacy Officer
Tips for making a FIPPA request

The Freedom of Information and Protection of Privacy Act (FIPPA) gives you the legal right to access records held by Manitoba public bodies, subject to certain exceptions.

Once your application for access is received by a public body, it must respond to your request within 30 days, unless the public body has extended the time limit or transferred the request to another public body. Because the FIPPA process is time sensitive, the tips below may assist in making the process more effective.

Before making an application

Consider other sources of information that may be available, such as websites, annual reports and other published material. If you're looking for information about the Manitoba government, consider talking to the Manitoba Legislative Library and/or Manitoba Government Inquiry to see if they can either provide the information or records you are seeking, or put you in touch with someone who can.

Find out which public body holds the records you are seeking and direct your application to the access and privacy coordinator for that public body. See "where to send your application" at: http://www.gov.mb.ca/chc/fippa/wheretosend/index.html

Talk to the public body to find out more about the records you might want to access. Knowing how the records are kept and managed or how statistics about a program are tracked can assist you in wording your request in a manner that makes processing it more efficient.

If you have made prior applications, refer back to them and access decisions so you can avoid requesting records you have already received or requesting records that do not exist.

If you plan to submit multiple applications, consider prioritizing your applications and submitting them to the public body in order of priority. If you submit a large number of applications at once, it may not be reasonable to expect that the public body will be able to respond to all of your requests within 30 days.

Wording your request

Remember that FIPPA provides a right of access to records. A public body is not required to answer a question simply because it is posed on a FIPPA application. Be sure that your application asks for records. If you are seeking an answer to a question, contact the public body directly.

Consider the scope of your request. Responding to an application often involves searching for and reviewing more records than you may have expected, so the more focused you can be, the less likely a response to your request will be delayed. Requests that are broader in nature may take longer to process and may incur fees.

If you are requesting records containing a particular word, phrase, name, or about a particular subject, be sure to provide as much context as possible by specifying a date range, a location, a program area, and/or any other parameters that might help the public body know where to search for records.

Think about the nature of the records you are requesting. For example, if you would like to know about expenses for a recent event or program, it's more likely for the public body to have records about the budget for the event, rather than records about the expenses for which invoices may not yet have been received.

Managing your FIPPA file

Keep all records about your request in one place, such as a file folder - a copy of your application, the public body's access decision and any other correspondence you've had with the public body about your request.

A number will be assigned to your request once it is received by the public body. Note that number on your file and refer to it if you contact the public body to make inquiries about your request.

If the public body contacts you for clarification about your request, get back to them as soon as possible. Remember that once a request is made, the clock continues to tick toward the deadline for the public body to respond to your request. The sooner you connect, the sooner work can begin on processing your application.

If you're requesting records on behalf of an organization, consider:

- Designating a back-up person who can deal with the public body on your behalf if you're not available
- Organizing FIPPA files in a consistent manner within the organization that indicates the name of the public body, application number and keywords related to your request
- Storing FIPPA files in an area that can be accessed by colleagues, to avoid the same records being requested in the future.