February 22, 2019

Re: Request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act: Application Number 19 01 56

On January 24, 2019, the City of Winnipeg received your request for access to the following records:

Copies of the Bronx Park Community Club Inc audited financial statements for the years 2009-2017

Your application states that the public body to which the request is made is the "General Council of Winnipeg Community Centres." The General Council of Winnipeg Community Centres (GCWCC) is an arm's-length organization that receives funding from the City of Winnipeg, but is not part of the City of Winnipeg's administrative structure. The GCWCC is not a 'public body' to which the Freedom of Information and Protection of Privacy Act (FIPPA) applies.

Accordingly, we are not able to process your application because it is outside the scope of FIPPA. We cannot act on behalf of the GCWCC and, because the GCWCC is not subject to FIPPA, we are not able to transfer the request to them for response. I have reviewed your previous FIPPA applications and apologize that this was not explained to you earlier. I believe that in those other cases where you specified GCWCC, we made assumptions about your request and processed it as though it was directed to the City of Winnipeg.

For context, the GCWCC is an arm's-length organization that receives funding from the City of Winnipeg. The City of Winnipeg provides grant funding to Community Centres via the Universal Funding Formula (UFF). I believe a copy of that was provided to you already via FIPPA request 16 09853. Community Centres are required to provide their audited financial statements to the City annually in order to access UFF funding. The City of Winnipeg does not publish the statements it receives from Community Centres, but retains them for six years, and then destroys them, as per the City of Winnipeg's Records Management By-law.

I explain this because I want to be clear that the City does have copies of the audited financial statements for the Bronx Park Community Centre for the last six years and if you wish submit a FIPPA application specifying the City of Winnipeg as the public body to which you are making the request, we can process the request. However, please note, section 18 of FIPPA requires the City to then consult with Bronx Park Community Centre before releasing their confidential business information. Either they will consent to the disclosure or they will provide representations, per section 18, as to why they do not want their confidential business information to be disclosed and we will consider their response when making our
access decision. Also, to be upfront, FIPPA requests involving consultations typically require extensions, per section 15 of FIPPA, and can take up to 60 days to complete.

Section 59(1) of the Act provides that you may make a complaint to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to the Manitoba Ombudsman (mail: 750-500 Portage Avenue, Winnipeg, MB, R3C 3X1; telephone: 204-982-9130 or 1-800-665-0531).

If you have any questions, please call me at (204) 986-3141.

Sincerely,

Denise Jones
Access and Privacy Coordinator