July 24, 2018

Re: Request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act: Application Number 18 07 600

On July 3, 2018, the City of Winnipeg received your request for access to the following:

Correspondence in 2018 from Winnipeg city legal services to the Winnipeg Parking Authority on the legality of issuing 'No Parking Fire Lane' tickets when vehicles were stopped - not parked - in Fire Lanes. The correspondence may have included references to the following bylaws:

Bylaw 86/2016 2(2) where parking and stopping are defined as being different.

Bylaw 35/2017 64 where no parking in a fire lane is an offence but stopping in a fire lane is not mentioned as an offence.

Bylaw 59/2016 Schedule A 50.1(2)(a) Parking so as to obstruct access by Winnipeg Fire Paramedic Service vehicle.

Although some jurisdictions might withhold this legal opinion information under discretionary exemption - I am assured this will not be the case by this city announcement: http://winnipeg.ca/cao/media/news/nr_2015/nr_20150928.htm

"By proactively disclosing all of the information we can to the public, we are demonstrating our commitment to ensure access to civic government public documents has become the default, rather than the exception," said Mayor Brian Bowman. "The public has a right to know and I am proud that the City Clerk's department and public service have collaborated to take the important steps to continue building a more open and transparent City for our citizens."

We conducted a search and located emails that are responsive to your request. Access to these records is refused, as the information in these records falls within the following exceptions to disclosure in the Act:

**Solicitor-client privilege**

27(1) The head of a public body may refuse to disclose to an applicant (a) information that is subject to solicitor-client privilege

Section 27(1) is a discretionary exception intended to protect solicitor-client privilege. The solicitor-client relationship is based on confidentiality. It is in the public interest that city employees have full and ready access to legal advice for their program areas and that full and frank communication is able to take place within the solicitor-client relationship.

Section 59(1) of the 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 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