

# OVERVIEW OF THE FIPPA RESOURCE MANUAL

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This 2<sup>nd</sup> edition of the FIPPA Resource Manual is intended to help officials of the Manitoba government and government agencies meet their responsibilities under *The Freedom of Information and Protection of Privacy Act* (FIPPA). It has been updated – in particular to reflect the amendments to FIPPA that are in effect as of January 1, 2011.

It outlines the requirements of FIPPA and of the *Access and Privacy Regulation* made under FIPPA, and recommends procedures and practices for compliance in a timely, effective and consistent manner.

The FIPPA Resource Manual contains some links to legislation, Ombudsman materials (such as Practice Notes) and other helpful resources. Additional resources – such as the required forms under FIPPA and *Model Response Letters and Notices* – can be found on the FIPPA website at:

[http://www.gov.mb.ca/chc/fippa/public\\_bodies/resources/response\\_letters\\_notices.html](http://www.gov.mb.ca/chc/fippa/public_bodies/resources/response_letters_notices.html)

The FIPPA Resource Manual contains general information – it does not contain advice, including legal advice. Matters involving legal interpretation or advice should be referred to legal counsel. If you have questions about administrative matters, contact the Information and Privacy Policy Secretariat of Manitoba Sport, Culture and Heritage.

The organization of this FIPPA Resource Manual is similar to the structure of FIPPA itself. Terms and phrases that are defined in FIPPA are identified in **bold**.

The following is an overview of the contents of each chapter of the Manual; a detailed Table of Contents is also included in the Manual.

**Foreword**

**Overview of the FIPPA Resource Manual**

**Detailed Table of Contents**

- Chapter 1 Principles, History & Purposes of FIPPA**
- the principles of access to information and information privacy legislation;
  - the history of Manitoba's FIPPA, including the amendments to FIPPA; and
  - the purposes in section 2 of FIPPA.
- Chapter 2 Scope of FIPPA – Who and What Falls under FIPPA**
- the public bodies that fall under FIPPA;
  - the records that fall under FIPPA;
  - the records that do not fall under FIPPA;
  - procedures that are not affected by FIPPA;
  - the definitions of "personal information", "personal health information", "law enforcement" and "third party"; and
  - the relationship of FIPPA to other legislation.
- Chapter 3 Administration of FIPPA**
- the roles and responsibilities of various public body officials;
  - the role and responsibilities of the Minister responsible for FIPPA;
  - proactive disclosure and routine disclosure of information;
  - who can exercise rights under FIPPA on behalf of another;
  - the manner in which notices are to be given under FIPPA;
  - protection from liability for public bodies and their officials;
  - protection when disclosing information to the Ombudsman or the Information and Privacy Adjudicator; and
  - offences and penalties under FIPPA.

### **Chapter 4 Access to Records**

- the right of access to records;
- the duty to assist an access applicant;
- the duty to protect personal information about an access applicant;
- making an access request;
- what to do when an access request is received;
- transferring an access request to another public body;
- the time limit for responding to an access request, and extending the time limit;
- the limited authority of a public body to disregard certain access requests;
- the steps in processing an access request;
- the response to an access applicant;
- refusal to confirm or deny the existence of a record;
- the manner in which access is given;
- fees, fee estimates and fee waivers;
- third party notices and intervention.

### **Chapter 5 Exceptions to Disclosure**

- exceptions generally apply to information in a record, not a type of record, and severing;
- which exceptions contain limits;
- which exceptions protect third parties;
- the meaning of "mandatory exception";
- the meaning of "discretionary exception";
- exercising a discretion;
- what is a 'class exception';
- the "reasonable expectation of harm" test; and
- a detailed discussion of each exception to disclosure in sections 17 to 32:
  - summary of the exception(s) in the section;
  - scope of the exceptions in the section;
  - limits on the exceptions in the section; and
  - related provisions in FIPPA.

### **Chapter 6 Protection of Privacy**

- the "necessary, effective and proportional" test – preliminary privacy considerations when developing a new service, program, activity or initiative;
- the ten privacy principles on which Part 3 of FIPPA is based;
- consent and FIPPA;
- accountability and employees, contractors and agents;
- personal health information;
- collection of personal information;
- accuracy of personal information;
- requests to correct personal information;
- retention and destruction of personal information;
- protection of personal information, including privacy breaches;
- use of personal information;
- disclosure of personal information;
- information managers;
- disclosure of personal information for research purposes;
- disclosure of a record more than 100 years old; and
- privacy impact assessments.

### **Chapter 7 Independent Review – The Role of the Ombudsman**

- the Ombudsman as an independent officer of the Legislative Assembly;
- the Ombudsman's powers and duties under FIPPA;
- the Ombudsman's powers when carrying out an investigation; and
- the protection given to information provided to the Ombudsman.

### **Chapter 8 Independent Review – Complaints**

- the appointment and role of the Information and Privacy Adjudicator;
- complaints to the Ombudsman about privacy;
- reviews of access and privacy complaints by the Information and Privacy Adjudicator at the request of the Ombudsman; and
- appeals to court about access.

### **Chapter 9 Reporting**

- reporting access requests;
- quarterly reports;
- instructions on completing quarterly reports.
- Local Public Bodies annual reports;
- instructions on completing Local Public Bodies annual reports

### **Appendix 1 Glossary of Terms**

This Glossary includes terms defined in subsection 1(1) of FIPPA, as well as some other terms used in FIPPA or this FIPPA Resource Manual.