



**Finance**

Freedom of Information and Protection of Privacy  
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www.manitoba.ca

December 13, 2016

**Re: Applications for Access under The Freedom of Information and Protection of Privacy Act (FIPPA) – Our File Numbers 69-16FIN to 71-16FIN.**

Your FIPPA applications were received by Manitoba Finance on October 14, 2016 and seeks access to the following records:

**69-16FIN**

*"We request all records, including the terms of reference, regarding the KPMG value-for-money review to identify savings for Budget 2017."*

**70-16FIN**

*"According to the government press release – Province Announces Streamlining of Senior Administrative Structures – published on October 6, 2016, the government has completed a 'comprehensive internal analysis pertaining to streamlining senior management levels within core government.' We request this analysis and all related records."*

**71-16FIN**

*"According to the government press release – Province Announces Streamlining of Senior Administrative Structures – published on October 6, 2016, the government has completed a 'comprehensive internal analysis pertaining to streamlining senior management levels within core government.' The release also states that the analysis was 'subsequently validated by a separate external review.' We request a copy of the external review and all related records including, but not limited to, the author(s), terms of reference, cost, and tender of said review."*

On November 11, 2016 you were advised that Manitoba Finance is taking a 30-day extension until December 13, 2016 to complete your requests, as authorized under subsection 15(1)(c) of FIPPA.

Manitoba Finance has located records that are responsive to your access requests and I would like to note that they all relate to the Fiscal Performance Review project that KPMG LLP (KPMG) is currently undertaking for the Government of Manitoba. As specified under "Description of Services Required" in the Request for Proposals (RFP) document issued for the project, *"The consultant will provide management consulting services to undertake a Fiscal Performance Review of core government spending and to provide confidential advice and recommendations to the Minister of Finance for consideration during the development of the next provincial budget."*

This RFP is responsive to your requests under 69-16FIN and 71-16FIN. The Procurement Services Branch of Manitoba Finance does not use "Terms of Reference" in their documentation, but the deliverables of the project are in Part 2 of the RFP and the terms and conditions are in the agreement itself. The RFP was issued for public bidding on May 16, 2016. I would like to note that you have withdrawn your FIPPA request of May 24, 2016 for the RFP, after confirming that your organization has downloaded a copy of the document through MERX. The cost and other details of the contract award are also publicly available through Manitoba government's Proactive Disclosure website, under "Contract Disclosure" and "Finance": <https://web32.gov.mb.ca/disclosureofcontracts/en/disclosures/BA07>. In this regard, access to information does not apply as per section 6(2) of FIPPA.

Manitoba Finance has further located records that are responsive to your request. However, as they are either prepared for submission to Cabinet or Treasury Board, a Committee of Cabinet, the documents are protected in full as disclosure would harm the free flow of analysis and advice to Cabinet and undermine its ability to make decisions, as per subsection 19(1)(b) of FIPPA.

Accordingly, your requests under 69-16FIN and 71-16FIN are hereby refused.

With regard to 70-16FIN, Manitoba Finance has located a record that is responsive to your request. However, as it was prepared for submission to Treasury Board, the record has to be protected in full as per subsection 19(1)(b) of FIPPA. Accordingly, your request is hereby refused.

Section 59(1) of FIPPA states that you may make a complaint about this decision respecting your application for access 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 or 1-800-665-0531

Enc.

**Relevant provisions of  
*The Freedom of Information & Protection of Privacy Act (FIPPA)***

**Part does not apply to publicly available information**

6(2) This Part does not apply to information that is available to the public free of charge or for purchase.

**Cabinet confidences**

19(1) The head of a public body shall refuse to disclose to an applicant information that would reveal the substance of deliberations of Cabinet, including

- (b) discussion papers, policy analyses, proposals, advice or similar briefing material submitted or prepared for submission to Cabinet;