



Finance

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

December 22, 2016

Re: Application for Access under The Freedom of Information and Protection of Privacy Act (FIPPA) – Our File Number 76-16FIN.

Your FIPPA application was received by Manitoba Finance on October 26, 2016 and seeks access to the following records:

“Request access to all briefing materials, notes and research related to the KPMG “value-for-money” audit being conducted.”

On November 25, 2016 you were advised that Manitoba Finance will be taking an extension until December 25, 2016 to complete your request, as authorized under subsection 15(1)(c) of FIPPA.

Please be advised that Manitoba Finance located records that are responsive to your request. However, the records are protected in full under specific exception to disclosure provisions under FIPPA. Accordingly, your request is hereby refused.

Subsections 19(1)(b)(c)(e) protect the information that was submitted or prepared for submission to Cabinet. Disclosure of the information would harm the free flow of analysis and advice to Cabinet and undermine its ability to make decisions.

Subsections 18(1)(b)(c)(i)(ii)(iii)(iv) protect the financial, and technical information that was provided, explicitly and implicitly in confidence, by a third party to the department, and whose disclosure could result in harming the competitive position and interfering with contractual or other negotiations of the third party. It could also result to significant financial loss for the third party, as well as the same information no longer being supplied to the department.

Subsections 28(1)(b)(c)(iii) protect the financial, technical and other information that government has a proprietary interest and right of use, and whose disclosure could harm government's economic interest. Specifically, it could reasonably be expected to prejudice the contractual or other negotiations of the department, or Manitoba as a whole.

Subsections 23(1)(a)(b)(c)(d)(f) protect information that if disclosed would reveal advice, opinions, proposals recommendations, analyses or policy options that were developed for the Finance Minister, as well as consultations and deliberations among officers and employees of the department, instructions for the contractual negotiations of the department, plans relating to the management of personnel or the administration of government that have not yet been implemented, and information on pending policy and budgetary decision.

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)**

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;
 - (c) a proposal or recommendation prepared for, or reviewed and approved by, a minister for submission to Cabinet;
 - (e) a record prepared to brief a minister about a matter that is before, or is proposed to be brought before, Cabinet or that is the subject of communications among ministers relating directly to government decisions or the formulation of government policy.

Disclosure harmful to a third party's business interests

- 18(1) The head of a public body shall refuse to disclose to an applicant information that would reveal
- (b) commercial, financial, labour relations, scientific or technical information supplied to the public body by a third party, explicitly or implicitly, on a confidential basis and treated consistently as confidential information by the third party; or
 - (c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to
 - (i) harm the competitive position of a third party,
 - (ii) interfere with contractual or other negotiations of a third party,
 - (iii) result in significant financial loss or gain to a third party,
 - (iv) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied, or

Disclosure harmful to economic and other interests of a public body

- 28(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to harm the economic or financial interests or negotiating position of a public body or the Government of Manitoba, including the following information:
- (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Manitoba has a proprietary interest or right of use;
 - (c) information the disclosure of which could reasonably be expected to
 - (iii) interfere with or prejudice contractual or other negotiations of, a public body or the Government of Manitoba;

Advice to a public body

- 23(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal
- (a) advice, opinions, proposals, recommendations, analyses or policy options developed by or for the public body or a minister;
 - (b) consultations or deliberations involving officers or employees of the public body or a minister;
 - (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Manitoba or the public body, or considerations that relate to those negotiations;

(d) plans relating to the management of personnel or the administration of the public body that have not yet been implemented;

(f) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.