



Finance

Freedom of Information and Protection of Privacy
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December 15, 2016

Re: Applications for Access under The Freedom of Information and Protection of Privacy Act (FIPPA) – Our File Numbers 83-16FIN to 86-16FIN.

Your FIPPA applications were received by Manitoba Finance on November 17, 2016, seeking access to the following records:

FIPPA 83-16FIN

“All records, including briefing and advisory notes, analysis, and minutes regarding public sector compensation rules, regulations and practices that were prepared between September 1, 2016 and November 8, 2016.”

FIPPA 84-16FIN

“All records, including but not limited to correspondence by Gerry Irving- the Secretary of the Public Sector Compensation Committee Cabinet - from Sept. 13, 2016 to October 30, 2016 to the University of Manitoba.”

FIPPA 85-16FIN

“All records, including but not limited to correspondence, by Gerry Irving - the Secretary of the Public Sector Compensation Committee Cabinet - from Sept 13, 2016 to October 30, 2016 to Greg Juliano, Associate Vice-President, Human Resources at the University of Manitoba.”

FIPPA 86-16FIN

“All records, including but not limited to correspondence, by Gerry Irving - the Secretary of the Public Sector Compensation Committee Cabinet - from Sept. 13, 2016 to October 30, 2016 to Larry Steinberg, Toronto, Ontario.”

With regard to 83-16FIN, Manitoba Finance has searched its files and located records that are responsive to your request. However, the records contain policy analyses, proposals, advice and briefing that were prepared for and by the Public Sector Compensation Committee, a committee of Cabinet, they are being protected under subsections 19(1)(b)(e) of FIPPA. Records of this nature are intended as confidential advice for Cabinet in order to inform the decision-making process with respect to government policy. Disclosure would reveal the substance of deliberations of Cabinet and could undermine the policy-making abilities of that body. Accordingly, your request is hereby refused.

With regard to 84-16FIN and 85-16FIN, Manitoba Finance has located records that are responsive to your request. However, they are being protected under subsection 20(1)(c) as disclosure would reveal information that is considered to have been provided in confidence by the University of Manitoba, a local public body. It is also protected under subsection 21(1)(c) as

disclosure could reasonably be expected to harm our relations with the University. The information is further protected under 18(1)(c)(v), as it would reveal information that is before a labour relations board for resolution. As the disclosure could also be reasonably be expected to be injurious to the conduct of existing and anticipated legal proceedings, the information is also protected under subsection 25(1)(n). Accordingly, your requests are refused.

With regard to 86-16FIN, Manitoba Finance has searched its files and did not locate any responsive records. When no records exist, a request is deemed to be refused as per subsection 12(1)(c)(i) 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)**

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;

(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.

Information provided by another government to department or government agency

20(1) The head of a department or government agency shall refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal information provided, explicitly or implicitly, in confidence by any of the following or their agencies:

(c) a local public body;

Disclosure harmful to relations between Manitoba and other governments

21(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to harm relations between the Government of Manitoba or a government agency and any of the following or their agencies:

(c) a local public body;

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

(c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to

(v) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

Disclosure harmful to law enforcement or legal proceedings

25(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to

(n) be injurious to the conduct of existing or anticipated legal proceedings.

Contents of response

12(1) In a response under section 11, the head of the public body shall inform the applicant

(c) if access to the record or part of the record is refused,

(i) in the case of a record that does not exist or cannot be located, that the record does not exist or cannot be located,