



Finance

Freedom of Information and Protection of Privacy
200-386 Broadway, Winnipeg, Manitoba R3C 3R6
T 204 945-3767 F 204 948-3558
www.manitoba.ca

February 3, 2017

Re: Application for Access under *The Freedom of Information and Protection of Privacy Act (FIPPA)* – Our File Number 95-16FIN.

Your FIPPA application was received by Manitoba Finance on December 7, 2016 and seeks access to the following records:

“All records related to the Health Care Sustainability and Innovation Review.”

On January 5, 2017, you were advised that Manitoba Finance will be taking an extension until February 5, 2017 to complete your request, as allowed under clause 15(1)(c) of FIPPA.

Manitoba Finance has searched its files and can advise that records were located pertaining to your request. However, the records contain information that is protected by exception to disclosure provisions of FIPPA. Accordingly, your request is hereby refused.

Subsection 19(1)(b)(c) protects the policy analyses, proposals and advice that were submitted or prepared for submission to Cabinet, and the recommendations prepared for, or reviewed and approved by, a minister for submission to Cabinet. Disclosing the information would reveal the substance of deliberations of Cabinet.

Subsections 18(1)(b)(c)(i)(ii) protect commercial, financial or technical information supplied to the department by a third party explicitly or implicitly in confidence, the disclosure of which could reasonably be expected to harm the competitive position of the third party and interfere with its contractual or other negotiations.

Subsection 28(1)(c)(iii) protects information, the disclosure of which could reasonably be expected to interfere with or prejudice contractual or other negotiations of the department or the Government of Manitoba.

Subsections 23(1)(b)(c) and (f) protect the consultations and deliberations of officers a public body or a minister, as well as positions, plans, procedures and criteria or instructions developed for the purpose of contractual negotiations of a public body on behalf of the Government of Manitoba, including considerations that relate to those negotiations. It also protects information, including proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to reveal a pending policy or budgetary decision.

I would like to note that Manitoba Finance is in custody of a copy of the Request for Proposals issued by Manitoba Health, Seniors and Active Living (HSAL) for the Health Care Sustainability and Innovation Review project. However, access to information under FIPPA no longer applies

to the record, as per subsection 6(2) of the Act, since the RFP was made public through MERX and a copy has been provided to your organization by HSAL.

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)**

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,

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;

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

(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;

(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.

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:

(c) information the disclosure of which could reasonably be expected to

(i) result in financial loss to,
a public body or the Government of Manitoba;