

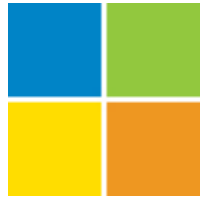
Guide to longer extensions under the Freedom of Information and Protection of Privacy Act (FIPPA)

Including the new Longer Extension Form
available on Manitoba Ombudsman's website



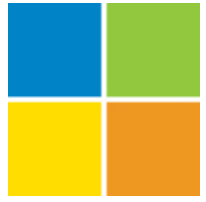
Section 15 – Extending the Time Limit for Responding

- Overview of provisions of section 15
- Written requirements of an extension letter
- Tips for submitting longer extension requests
- Longer extension form
- Additional resources



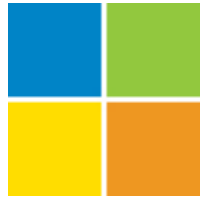
Why are extensions important?

- Public body must make every reasonable effort to respond to a request in writing within 30 days
 - Unless the time limit for responding is extended under section 15
- Failure to respond
 - Failure to respond to a request within 30 days is treated as a decision to refuse access to the record
- Every effort must be made to respond without delay, openly, accurately and completely



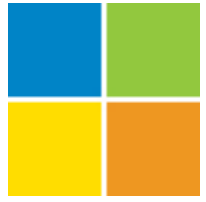
Extension longer than 30 days

- 15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or **for a longer period if the Ombudsman agrees if...**



Section 15 Overview

- Under section 15, there are four situations in which an extension may be taken as per 15(1):
 - (a) Not enough detail
 - (b) Large number of records is requested or must be searched
 - (c) Time needed to consult with third party
 - (d) Third party makes a complaint under subsection 59(2)

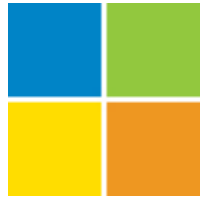


Section 15 Overview (Continued)

- Extensions may only be taken in situations where the provisions of section 15 of FIPPA apply
 - We do not have the authority to authorize an extension outside of these provisions
- An extension may only be taken only if there is still “time on the clock”
- An applicant must be notified in writing about the extension
- An applicant has a right to make a complaint to our office about an extension

TIP:

- Contact applicant in writing (when no grounds for an extension exists re: status update)



Clause 15(1)(a)

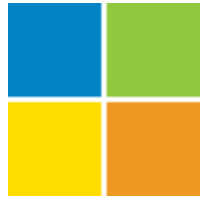
Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

(a) the applicant does not give enough detail to enable the public body to identify a requested record;

TIP:

- The public body must make a reasonable effort to work with the applicant to obtain additional information or clarification



Clause 15(1)(b)

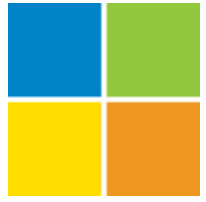
Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

(b) a large number of records is requested or must be searched, **and** responding within the time period set out in section 11 would interfere unreasonably with the operations of the public body;

TIP:

- Both the requirements for large number of records **and** interfere with operations must be met



Clause 15(1)(c)

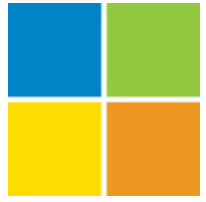
Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

(c) time is needed to consult with a third party or another public body before deciding whether or not to grant access to a record; or

TIPS:

- Does not apply to consultations within the public body, including legal counsel
- When a public body is considering giving access to a record that might result in an unreasonable invasion of a third party's privacy or business interests, written notice must be given to the third party (section 33)

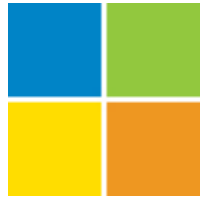


Clause 15(1)(d)

Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

(d) a third party makes a complaint under subsection 59(2)



Written Notice to an Applicant Subsection 15(2)

If an extension is taken the public body must provide notice in writing to the applicant. A sample notice form may be found on the Sport, Culture and Heritage FIPPA website under [Model Response Letters and Notices](#). Notice must include:

- The reason for the extension
- When a response can be expected
- That the applicant may make a complaint to the Ombudsman about the extension



Submission of a longer extension request to the Ombudsman's office

- If additional time is needed, a longer extension may be requested from the Ombudsman's office
- Rather than providing a written submission by letter, a public body may submit the longer extension request online




Information the Ombudsman's office requires in reviewing longer extension request:

- Identify the clause(s) under 15(1) of FIPPA and explain how the clause applies
- Identify the amount of time being sought and explain why the time is needed

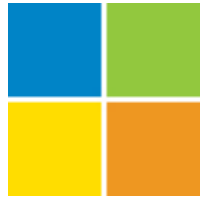
TIP:

- Longer extension requests must be made within an existing time limit



Additional tips for submitting a longer extension request to the Ombudsman's office

- Public bodies are not limited to the amount of time they are requesting
- Submissions provided less than three business days prior to the expiry of the time limit may not be considered
- We will provide our decision in a letter



Longer extension form

Form may be submitted in a fillable PDF format or completed and submitted online

<https://www.ombudsman.mb.ca/info/longer-extensions-under-fippa.html>



PUBLIC BODY INFORMATION

** indicates required field*

Name of public body *



Program/department (if applicable)



Public body file/request number



CONTACT PERSON

** indicates required field*

Last Name *



First Name *



Job Title *



Phone *



Fax



Email *



Address *

Postal Code *

City/Town *



ACCESS APPLICATION DETAILS

** indicates required field*

1. Please provide the actual wording of the applicant's request for records as received by the public body (do not include names of individuals)



2. Has the wording of the application been changed or modified after it was received? *

Yes

No

If yes, provide the wording of the modified access request.





FACTORS THAT AFFECT THE TIME LIMIT FOR RESPONDING

** indicates required field*

3. Date the access application was received: *



4. Was an Estimate of Costs issued? *

Yes No

If yes, what is the date of the estimate?



4.1. If an estimate was issued, was it accepted by the applicant?

Yes No

If yes, on what date did the applicant accept the estimate?





5. Was an extension already taken for up to an additional 30 days? *

Yes

No

If yes, what is the date of the extension letter?



If yes, what is the date of the extended time limit (due date)?



5.1. If an extension was taken, what was the reason for the extension? (check all that apply)

- 15(1)(a)** Request did not provide enough detail
- 15(1)(b)** Large volume of records
- 15(1)(c)** Consultation with a third party



GROUNDS FOR LONGER EXTENSION

6. Each clause under subsection 15(1) describes a specific circumstance under which an extension may be taken. Please identify the clause that permits the extension. If more than one clause is believed to permit the extension, identify each relevant clause.

15(1)(a) Request did not provide enough detail

If relying on 15(1)(a):

- (1) Explain why the request does not contain enough detail to identify a requested record.
- (2) Describe the efforts made to obtain the necessary details or clarification from the applicant.





15(1)(b) Large volume of records

If relying on 15(1)(b):

- (1) Describe the volume of records requested or that must be searched.
- (2) Explain why responding to the application within the regular extension period of up to an additional 30 days would interfere unreasonably with the operations of the public body. This would include time spent processing the request and activities completed so far and those remaining, and any relevant factors such as unusual volume of concurrent requests, unusual operational challenges such as natural disaster, or seasonal operations, etc.





15(1)(c) Consultation with a third party

If relying on 15(1)(c):

- (1) Describe who the third party is or identify the public body.
- (2) Explain why the consultation is necessary before deciding whether or not to grant access to a record.
- (3) Explain why these consultations cannot be completed within the regular extension period of up to an additional 30 days (60 days from receipt of the request).





AMOUNT OF ADDITIONAL TIME REQUESTED IN THE LONGER EXTENSION

** indicates required field*

7. What is your current time limit (due date), taking into consideration any factors that may have altered your due date? *



8. Number of calendar days beyond the current due date requested *



9. Proposed new due date *



10. Explain how it was determined that this amount of time is required to complete the processing of the access application and respond to the applicant *



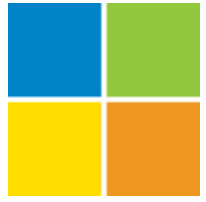


OTHER INFORMATION

11. Is there any additional information you wish to provide to clarify your request for a longer extension?



Submit 



Additional Resources

- Practice note titled [*Making a Submission to the Ombudsman for an Extension Longer than 30 Days under The Freedom of Information and Protection of Privacy Act \(FIPPA\)*](#)
- Practice note titled [*Extending the Time Limit for Responding under The Freedom of Information and Protection of Privacy Act \(FIPPA\)*](#)
- FIPPA for Public Bodies - [Resource Manual](#) of Sport, Culture and Heritage

204-982-9130

1-800-665-0531