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April 12, 2021

Committees Branch
Legislative Assembly of Manitoba
Room 251, 450 Broadway
Winnipeg, MB R3C 0V8
Via email: committees@leg.gov.mb.ca

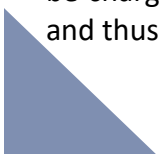
To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 49: *The Freedom of Information and Protection of Privacy Amendment Act*.

Since the last review of FIPPA was undertaken in 2004, the AMM welcomed the 2017 provincial review of this legislation and provided a formal submission that outlined how municipalities have been responding to a significant increase of FIPPA requests in recent years which has led to increased staff time, copying, computer charges, and legal costs. The AMM also supports the intent of this legislation to promote openness, accountability and transparency in public administration, including municipal decision-making processes.

On April 9, 2021, the AMM met with departmental staff to discuss municipal concerns and better understand how Bill 49 impacts municipalities. The AMM welcomes provisions that extend time for responding to access requests to 45 days from 30 days as well as the period for extensions permitted under the Act to 45 days. The AMM also supports Section 13(1) which grants authority to the head of a public body (i.e., municipal administrator) to disregard certain requests under particular circumstances – this provision should help municipalities manage excessive requests. While we appreciate that municipal administrators will be granted greater authority to make these decisions based on their discretion, it is vital that this section be further clarified so that all administrators are able to exercise this right in confidence. To this end, we strongly encourage the Province to develop a tailored FAQ for municipalities to explain these provisions and legislation overall as well as identify a provincial point of contact in case administrators have any questions when responding to requests.

Additionally, the AMM welcomes the enabling authority granted to municipal administrators that allows them to possibly require an applicant to pay fees provided for in the regulations as per Section 82(1). However, further clarity is also required regarding how and when these fees may be charged. Moreover, fees for administrative tasks have remained unchanged for many years and thus also require modernization.





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Given current administrative burdens resulting from this legislation and additional fiscal pressures due to the ongoing COVID-19 pandemic, the AMM continues to urge the Province to consider implementing a modest application fee for multiple or concurrent requests. Since there is currently no limit on the number of requests an applicant may make, a modest application fee on multiple or concurrent requests may help prevent trivial, frivolous or vexatious requests.

In closing, thank you for the opportunity to provide these brief comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Denys Volkov", written over a horizontal line.

Denys Volkov
Executive Director

cc: Minister Kelvin Goertzen, Manitoba Legislative and Public Affairs

