

Family Services and Consumer Affairs
Assistant Deputy Minister
Consumer and Corporate Affairs Division
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Services à la famille et de la Consommation
Sous-ministre adjoint
Division de la consommation et des corporations
405, Broadway, pièce 1534 (Manitoba) Canada R3C 3L6
Tél. 204-945-3742 Téléc. 204-945-4009

March 3, 2011

Mr. Colin Craig
PO Box 42123
1881 Portage Avenue
Winnipeg MB R3J 3X7

Dear Mr. Craig:

Re: Application for Access under *The Freedom of Information and Protection of Privacy Act (FIPPA)* - (Our File Number: 11-00022)

On January 21, 2011, Family Services and Consumer Affairs received your application for access to the following:

“Please provide a copy of the October, 2010 email to employees at Vital Statistics regarding Christmas time shopping (this is the email which documents when employees could take time off for shopping without it counting as vacation time). Further, please include documentation on the number of employees that took advantage of the “free time” to go shopping on the clock and the cost of taxpayers for their time while they shopped. Please also include the cost of bringing in staff on the weekend to catch up on work as a result of lost productivity due to Christmas shopping.”

Manitoba Family Services and Consumers Affairs is pleased to grant your request in part.

Enclosed are two records sent on October 26th and 28th, 2010. Please be advised that the records requested contain the personal information of third parties. In accordance with mandatory exemptions to disclosure found in s.17(1) and s.17(3)(d) of FIPPA, we are required to withhold this information.

The names of employees are being withheld under s.17(3)(d) which states that the disclosure of the personal information may unfairly expose the third party to harm. For your information, the names and other personal information of employees of VSA are not listed in a public registry or resource for safety reasons.

With regards to the balance of your access request, I can advise that the number of employees that participated was 28. No record exists showing the cost of the time off.

Please note that management has been notified that providing "time off for shopping," is not acceptable and cannot happen again.


Some staff of VSA reported to work on Saturday, October 30th, 2010 and November 27th, 2010 in an effort to reduce the volume of unprocessed event registrations and ensure reasonable processing times of related applications for birth and death certificates. The need to work outside of regular office hours was the result of unplanned extended leaves of absences of a few staff. We are unable to ascertain the share of this overtime cost, if any, that might relate to the employees' time off referenced in your request.

Subsection 59(1) of The Freedom of Information and Protection of Privacy Act states that you may make a complaint about this decision respecting your request 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
1-800-665-0531

Please contact Colleen Kachulak at (204) 945-5802 should you have any questions regarding this response.

Yours truly,


for: M. Alexandra Morton, Q.C.
Assistant Deputy Minister
Access and Privacy Officer

Attachment

c: Colleen Kachulak
Mary Loepf

Relevant provision of *The Freedom of Information and Protection of Privacy Act*

DIVISION 3

MANDATORY EXCEPTIONS TO DISCLOSURE

PRIVACY OF A THIRD PARTY

Disclosure harmful to a third party's privacy

17(1) The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's privacy.

Determining unreasonable invasion of privacy

17(3) In determining under subsection (1) whether a disclosure of personal information not described in subsection (2) would unreasonably invade a third party's privacy, the head of a public body shall consider all the relevant circumstances including, but not limited to, whether

(d) the disclosure may unfairly expose the third party to harm;

From: Lutrzykowski, Lucy (CCA)
Sent: October-28-10 9:43 AM
To: 17(1), 17(3)(d)

Subject: Time off for Christmas Shopping

Yay to Susan, who is generously giving all her staff 2 hours for Christmas shopping!!!

In order to ensure good customer service and coverage, one person from each unit can be off at a time. I do not want to decide coverage etc. I would like all of you to collaborate and be team players in deciding who will be off when and what works best in your unit. Consider vacation schedules and appointments in deciding your time off. All time must be taken by Dec. 23rd at the latest. Effective Nov. 1 you may start taking your time. I am anticipating we will not have any conflicts among each other as any time off is a wonderful gift. Please do not spend hours in group discussions as we are extremely behind and do not want to fall even further behind deciding over a couple of hours.

I have posted a November and December calendar on the wall by the attendance in each unit. Please mark down the time and day you would like to take, remembering only one person at a time and considering vacation/appointment factors.

November 12th is not available to either unit since both units already have several people away on VL.
November 8th is also not available to AP unit due to scheduled VL's.

Please feel free to talk to me with any questions or concerns.

Lucy Lutrzykowski, Manager

Application Processing & Customer Services
Family Services & Consumer Affairs
Vital Statistics Agency
254 Portage Avenue
Winnipeg MB R3C 0B6

phone: (204) 945-4134

fax: (204) 948-3128

e-mail: Lucy.Lutrzykowski@gov.mb.ca

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From: Beer, Frances (CCA)

Sent: October-26-10 3:22 PM

To:

17(1),

17(3)(d)

Subject: Christmas.....yes....Christmas

Importance: High

Hi Everyone,

In our meeting this a.m. Susan advised that all staff will be provided an additional two hours to take a long lunch or leave early one day between November 1, 2010 and December 23, 2010, being the last full working day before Christmas. There is one stipulation this year, being that only one staff member is allowed to be away at any time from our unit, meaning that you cannot double up on the same day or time with another staff member within our unit. So if you want to combine you lunch, afternoon coffee with 2 hours you would be able to leave for the day at 1:30. Please let me know which day you would like to take this time and if you would prefer a long lunch or to leave early. If there are any double ups, they will need to be worked out before any absence can be approved.

Thanks and have a nice evening.

Frances Beer

Manager, Registration Information Systems Unit

Vital Statistics

254 Portage Avenue, Winnipeg MB R3C 0B6

Telephone: (204) 945-4851

Fax (204) 948-3224

e-mail - Frances.Beer@gov.mb.ca