



Corporate Support Services Department • Services de soutien généraux

February 10, 2014

Mr. Colin Craig
1881 Portage Avenue
P.O. Box 42123
Winnipeg, MB R3J 3X7

Dear Mr. Craig:

**Re: Freedom of Information and Protection of Privacy Act –
City of Winnipeg File No. 14 01 28**

This letter is in response to your *Freedom of Information and Protection of Privacy Act* request received January 14, 2014 in which you request the following:

"...all draft copies of the administration's report to council – Over-Expenditure Authorization for the Redevelopment of the Winnipeg Police Service Headquarters Building."

This is to advise that your request for access is denied.

The information you have requested constitutes 'Advice to a Public Body' in the *Freedom of Information and Protection of Privacy Act*.

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

- (a) advice, opinions, proposals, recommendations, analyses or policy options developed by or for the public body or a minister....

The purpose of Section 23 is to ensure that full and frank discussions take place among officers, employees and others who may be advising a public body and that the confidential relationship between a public body and its advisors is preserved. Clause 23(1)(a) is an exception to disclosure that protects the free flow of advice and deliberations involved in the decision and policy making process of a public body. The drafts that you have requested represent advice, opinions, proposals, recommendations, analyses or policy options noted in the act, which resulted in the final administrative report to Council. The report was published in Council's Regular Meeting Agenda of December 11, 2013. It is available online at:

<http://www.winnipeg.ca/CLKDMIS/ViewDoc.asp?DocId=13214&SectionId=&InitUrl=>

AND

The requested records are also being withheld on the basis of s. 29(b), which permits a public body to refuse to disclose information relating to "the details of ... audits to be conducted if disclosure could reasonably be expected to prejudice the use or results of particular ... audits." The information and

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records sought in this request is currently being examined as part of an audit ordered by Winnipeg' City Council on January 29, 2014. Disclosure before the audit is complete of all or part of the information and records that will be comprehensively examined and analyzed as part of the audit could prejudice the use and results of the audit.

Testing procedures, tests and audits

29 The head of a public body may refuse to disclose to an applicant information relating to

- (a) testing or auditing procedures or techniques; or
- (b) details of specific tests to be given or audits to be conducted;

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

Please note that Subsection 59(1) of *The Freedom of Information and Protection of Privacy Act* provides that you may make a complaint about this decision to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to the Manitoba Ombudsman, 750 – 500 Portage Avenue, Winnipeg, Manitoba R3C 3X1, telephone 204-982-9130.

Please do not hesitate to call me at 204-479-5423 if you have any questions.

Sincerely,



Gerry Berkowski
Freedom of Information and Protection of Privacy Act Departmental Information Officer

cc R. Kachur, City Clerk
J. Baltessen, City Archivist

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