



Fire Paramedic Service • Service d'incendie et de soins médicaux d'urgence

October 26, 2012

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

**Your Request for Access to Information under Part 2 of
The Freedom of Information and Protection of Privacy Act
Our File No.: 12 08 507**

Dear Mr. Craig:

On August 29, 2012, the City of Winnipeg City Clerks Department received your request for access to the following records:

“Please provide copies of all draft traffic engineer and other reports on the impact the new fire station at route 90 and Portage Ave would have on traffic. Be sure to include the documents noting traffic engineers and staff originally advised against placing the station at that location.”

On September 28, 2012, we extended the deadline for a response for an additional 30 days, to October 28, 2012, as time was required to consult with a third party before deciding whether or not to grant access to the record. We have carefully considered your application and have consulted with a third party before a decision was reached regarding your application. The third party submitted written representations objecting to the disclosure of these records.

Please be advised that access to these records is being refused in full. The following sections of FIPPA apply:

Business Interests of Third Parties

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,
 - (iii) result in significant financial loss or gain to a third party,

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Advice to a Public Body

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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;
- (b) consultations or deliberations involving officers or employees of the public body or a minister;

Rationale

Section 18(1) ensures that information supplied to the public body by a third party, on a confidential basis, is treated as confidential throughout negotiations and protects the third party from harm to their competitive position or threats to other contractual negotiations they may undertake.

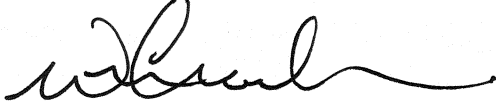
The intent of Section 23(1) (a) and (b) is to promote open and candid discussion in the decision making process of government by protecting advice, opinions, proposals, recommendations and analyses provided to decision makers. Section 23(1) (a) and (b) ensures confidentiality among civic officials during their consultations and deliberations of issues related to issues, projects, etc. Disclosure of the records you have requested could be expected to reveal advice, opinions, proposals, recommendations and analyses prepared for the public body.

Subsection 59(1) of The Freedom of Information and Protection of Privacy Act provides that you may make a complaint to the Manitoba Ombudsman about the City's response to your request. 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

If you have any questions, please do not hesitate to contact me at 204-986-4083.

Yours truly



Bill Clark
A/Deputy Chief Fire Operations

/mw

cc R. Kachur, City Clerk, City Clerk's Department
J. Baltessen, City Records Manager and Archivist
P. Langstaff, Planning Property & Development

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