



Health, Healthy Living and Seniors

Deputy Minister
Room 327 Legislative Building, Winnipeg, Manitoba, Canada R3C 0V8

June 26, 2014

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

Dear Mr. Craig:

Re: Your request for access to information under Part 2 of *The Freedom of Information and Protection of Privacy Act* [Our File Number 097-14].

On April 9, 2014 Manitoba Health, Healthy Living and Seniors received your request for access to the following records:

Please provide all notes or documents prepared for or used by Minister Selby for the estimates process in 2014.

Clarified on April 10th as follows:

Please provide all notes or documents prepared for or used by Minister Selby for the estimates process in 2014 as it relates to the deaths in 1994 of 12 infants at the Health Sciences Centre Pediatric Cardiac Surgery Program.

Please provide all notes or documents prepared for or used by Minister Selby for the estimates process in 2014 as it relates to the STARS program.

Please be advised that access is denied to both parts of your request. More detailed information on each part is as follows:

With regard to all notes or documents prepared for or used by Minister Selby for the estimates process in 2014 as it relates to the deaths in 1994 of 12 infants at the Health Sciences Centre Pediatric Cardiac Surgery Program, the Department has not been able to locate any records responsive to this part of your request. Accordingly, under paragraph 12(1)(c)(i) of *The Freedom of Information and Protection of Privacy Act*, this information cannot be provided, because this information does not exist at Manitoba Health, Healthy Living and Seniors.

With regard to all notes or documents prepared for or used by Minister Selby for the estimates process in 2014 as it relates to the STARS program, please be advised that access is denied in accordance with *The Freedom of Information and Protection of Privacy Act* as follows:

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;
- (b) consultations or deliberations involving officers or employees of the public body or a minister;
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Manitoba or the public body, or considerations that relate to those negotiations;
- (f) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

The section 23 clauses have been applied in order to preserve the processes necessary for effective decision-making. These processes include consultations, deliberations and the provision of advice, opinions, recommendations, plans, positions and analyses developed by or for the public body or a Minister. Background information prepared for the Minister to be used in the Estimates process is advice and as such is not disclosable. In order to provide you with some perspective as to the volume of responsive records, the department has been able to locate 7 pages of information. Information not related to either of the topics that you have outlined in your request is also contained in these records.

In order to assist you, additional information related to Estimates discussions can be found on the Government of Manitoba website at:

<http://www.gov.mb.ca/legislature/business/hansard.html>

Subsection 59(1) of *The Freedom of Information and Protection of Privacy Act* provides 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

If you have any questions concerning this matter, please contact the department's Access and Privacy Coordinator, Michelle Huhtala at (204) 786-7237.

Sincerely,



Karen Herd
Access & Privacy Officer

c: M. Huhtala