



**MANITOBA
LEGISLATIVE ASSEMBLY**

**ANNUAL REPORT OF THE
INFORMATION AND PRIVACY
ADJUDICATOR**

Jeffrey Schnoor, KC

2025



MANITOBA LEGISLATIVE ASSEMBLY
Information and Privacy Adjudicator
303 - 386 Broadway
Winnipeg MB R3C 3R6

January 7, 2026

The Honourable Tom Lindsey
Speaker of the Legislative Assembly
Province of Manitoba
Rm. 244 Legislative Building
Winnipeg, MB R3C 0V8

Dear Speaker Lindsey,

I am pleased to present my annual report to you pursuant to section 58.8(1) of *The Freedom of Information and Protection of Privacy Act* and section 48.14(1) of *The Personal Health Information Act*.

Both statutes provide that the Speaker must table a copy of the report in the Legislative Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeffrey Schnoor".

Jeffrey Schnoor, KC
Information and Privacy Adjudicator



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INFORMATION AND PRIVACY ADJUDICATOR

ANNUAL REPORT 2025

This is the annual report of the Information and Privacy Adjudicator, as required by section 58.8(1) of *The Freedom of Information and Protection of Privacy Act* (“FIPPA”) and section 48.14(1) of *The Personal Health Information Act* (“PHIA”).

Manitoba’s legislation dealing with access to information and privacy sets out a framework for the resolution of situations where a public body declines to accept the recommendation of the Ombudsman. The Ombudsman can refer these matters to the Information and Privacy Adjudicator for a final decision (subject to the possibility of judicial review). Prior to the creation of the position in 2011, these matters were dealt with by the courts.

Overview of the Adjudicator’s Role

A similar scheme is in place under both *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

Under *The Freedom of Information and Protection of Privacy Act*, the Ombudsman may ask the Adjudicator to review

- (a) any decision, act or failure to act by the head of a public body relating to a request for access to a record or for correction of personal information; or
- (b) any decision by the head of a public body to give access to a record in circumstances where a third party is notified of the decision under section 33.

The Ombudsman may do this if he or she has given a report to the head of a public body and

- (a) the head's response indicates that the public body refuses to take action to implement any of the Ombudsman's recommendations;
- (b) the head's response indicates an acceptance of the Ombudsman's recommendations, but action is not taken to implement them within the required time; or
- (c) the head fails to respond as required by subsection 66(4).

Under *The Personal Health Information Act*, the Ombudsman may ask the Adjudicator to review

- (a) any decision, act or failure to act by the trustee of personal health information relating to an individual's request to examine or receive a copy of his or her personal health information, or for correction of such information; or
- (b) a matter relating to privacy, if the Ombudsman considers that an individual's personal health information has been collected, used or disclosed contrary to the Act.

Once again, the Ombudsman may do this if he or she has given a report to the trustee and

- (a) the trustee's response indicates that it refuses to take action to implement any of the Ombudsman's recommendations;
- (b) the trustee's response indicates that it accepts the Ombudsman's recommendations, but the trustee does not take action to implement them within the required time; or
- (c) the trustee fails to respond as required by subsection 48(4).

Once the request for review is received, the Adjudicator is required to conduct a review and dispose of the issue by making one or more of a number of possible orders under the relevant act. Subject to the possibility of judicial review, the order of the Adjudicator must be complied with.

Requests for Review (FIPPA)

One request for review was received from the Ombudsman under *The Freedom of Information and Protection of Privacy Act* in 2025.

The following summary of the matter is taken from the Ombudsman's website:

An individual made a request to Manitoba Justice for access to documents related to the Exchange of Service Agreement with the Correctional Service of Canada to hold federally sentenced offenders in Manitoba Correctional Centers. The public body refused access in full, informing the complainant that information provided to Manitoba Justice from Justice Canada would have been shared in confidence. Our office received a complaint from the individual about Manitoba Justice's decision to refuse access to the information.

Based on our review, we determined that the complaint is supported. We found the public body had not fulfilled its duty to conduct a reasonable search for records responsive to the complainant's request. We also found the public body did not provide sufficient justification for withholding the Exchange of Service Agreement under clause 20(1)(a) of FIPPA. The public body did not demonstrate that any part of the agreement was provided by Justice Canada in confidence. It is also our view that only specific content shared by Justice Canada with a clear expectation of confidentiality may qualify for exemption. The Ombudsman issued a report with four recommendations.

The public body did not comply with the prescribed deadlines laid out under FIPPA and in the Ombudsman's recommendations, and the matter was referred to the Manitoba Information and Privacy Adjudicator on August 28, 2025.

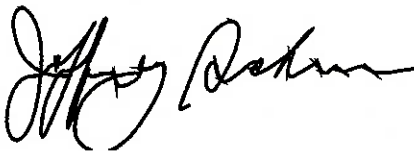
The summary and a link to the Ombudsman's full report can be found at [Investigation Report: FIPPA Refused Access - Manitoba Justice - Manitoba Ombudsman](#).

Following the referral of this matter, Manitoba Justice reconsidered its position and agreed to provide the requested information. The Ombudsman confirmed that review by the Information and Privacy Adjudicator was no longer required and, accordingly, the file was closed.

Requests for Review (PHIA)

No requests for review were received from the Ombudsman under *The Personal Health Information Act* in 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey Schnoor', with a stylized, flowing script.

Jeffrey Schnoor, KC
Information and Privacy Adjudicator