

# Ombudsman Manitoba

BY COURIER

CONFIDENTIAL

December 7, 2006

Mr. David Hedman  
348 Foch Avenue  
Winnipeg MB R2C 5H8

**Our File:** 2006 - 0388  
**City Request:** 2006 - 0606104

Dear Mr. Hedman:

This concerns your complaint under *The Freedom of Information and Protection of Privacy* (FIPPA) against the City of Winnipeg relating to the City's decision to refuse access to information pertaining to a poll concerning Olywest.

As you know, our report dated October 16, 2006 contained our findings and a recommendation to the City that the poll information concerning Olywest be released to you. We supported your complaint because our review indicated that the withheld information does not fall within the exceptions to disclosure being relied upon by the City. The City had refused access to all records coming under your request, including cost of the poll and the name of the company that conducted the poll, results of the poll and the research methodology associated with the poll under clauses 23 (1)(a) and (b) and 28 (1)(b) and (c)(iii) of FIPPA. We note that in the case of discretionary exceptions, a public body has the discretion to release information it considers to be subject to such exceptions.

In response to our report and recommendation, the City advised our office by letter dated October 31, 2006 that it would release the withheld information to you. Subsection 66(6) of FIPPA provides that when the head of a public body accepts the recommendation in a report concerning a refusal of access complaint, the head shall comply with the recommendation within 15 days of acceptance.

Following receipt of the City of Winnipeg's response to the recommendation, we requested clarification from the City that the information which would be released to you was contained in duplicate copies of the actual pages from the poll document.

We reviewed the original poll document and discussed with the City the release of additional information, which the City had not initially considered to be responsive to your request. Following discussions with our office, the City agreed to release this additional information, with

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severing as noted in its correspondence to you dated November 15, 2006. We understand that you are in receipt of this information.

We note that the blacked out portions of the poll document that you received on November 15, 2006 are not responsive to your request, with the exception of the portion on page 4. The information contained on page 4 is responsive but was severed by the City under section 23 (1) (a). Based on our review of this withheld information, we are of the opinion that this exception to disclosure applies.

The City released the invoice document with severing of the account numbers under sections 26 and 28(1)(c)(i) of FIPPA. We are of the opinion that clause 28(1)(c) (i) applies to this withheld information.

Subsequently, you contacted our office and expressed concern whether the information pertaining to Olywest which was released to you on November 15, 2006 was from the correct poll document. The requested poll was referenced in a May 17, 2006 article published in the Winnipeg Free Press which noted that those who received calls were asked "general questions about Katz's performance and specific questions about the hog processing plant."

We met with the City to inquire about this matter. Following discussions with the City and a review by our office of the poll document, Winnipeg Civic Survey, May 2006, the City agreed that information pertaining to Olywest contained in this poll document was responsive to your request and would be released to you, with the exception of information contained on page 4. This information is responsive but was severed by the City under section 23(1)(a). Based on our review of this withheld information, we are of the opinion that this exception to disclosure applies. The City agreed to release the invoice documents with severing of the account numbers under 26 and 28(1)(c)(i) of FIPPA. We are of the opinion that clause 28(1)(c)(i) applies to this withheld information.

Nevertheless, if you wish to pursue this refusal of access to the withheld information further, in accordance with subsection 67(3) of FIPPA, you may file an appeal to the Court of Queen's Bench within 30 days of receiving this report.

If you require any further information, please contact me at 982 -9158.

Yours truly,



Rietta Floom  
Compliance Investigator  
Access and Privacy Division

Enclosure

c. Mr. Richard Kachur  
City Clerk

When asked about their view of the construction of the Olywest pork processing plant in the Symington Yards area, forty-five percent of respondents opposed the construction. Respondents more likely to oppose the construction are:

- Individuals who disapprove of the job being done by Mayor Katz (63%)
- Individuals 18-34 years of age (51%)
- Women (50%)

*In fact, late last year it was announced that a new pork processing plant would be constructed in the Symington Yards area. The Olywest plant will provide employment for approximately 1,100 Winnipeggers. Some concerns have been expressed over the plant's impact on the local environment. Public hearings on these issues will be conducted by the Manitoba Clean Environment Commission later this year.*

**Table 14: Support/Oppose Olywest Plant**

Based on what you know of this issue do you support or oppose the construction of the Olywest pork processing plant in the Symington Yards area?	Total May 2006 (N=601) %
Strongly support	22
Somewhat support	19
<b>Total Support</b>	<b>41</b>
Somewhat oppose	11
Strongly oppose	34
<b>Total Oppose</b>	<b>45</b>
Neither	9
Don't Know/Refused	6