

**paul clifton**

**From:** paul clifton [pclifton@mts.net]  
**Sent:** Saturday, September 18, 2004 6:30 AM  
**To:** 'premier@leg.gov.mb.ca'; 'JEldridge@leg.gov.mb.ca'  
**Cc:** 'Istrachan@gov.mb.ca'; 'Bwebb@gov.mb.ca';  
'Dan.mcnaughton@ceaa.gc.ca'; 'grady.keith@infrastructure.gc.ca';  
'Gerry.tessier@ceaa.gc.ca'; 'thompsonb@DFO-MPO.gc.ca'  
**Subject:** EC 0005 - Transfer of Records documentation GR 5384 -  
Manitoba Project No. 4967.00

Folks, I am seeking to access records and documentation from the Filmon government that have been requested and denied by the Doer government. This as it relates to immediate (1997), advancement of Red River Floodway Expansion. This work of West Dyke relocation and elevation, Control Structure enhancements and structural modifications and revisions of the Floodway Program of Operation has been completed. Please note that the requested access to Manitoba Archive records must be granted before the comment deadline on the Red River Floodway Expansion Project EIS of October 12, 2004. As a courtesy, I request e-mail acknowledgement of receipt of this memo by recipients and all cc's to our e-mail address of pandmax@mts.net.

Premier Gary Doer and/or Mr. James R. Eldridge;

I provide as attachments, record of my Freedom of Information and Protection of Privacy Act request for access to Filmon government records maintained within the Provincial Archives. Please immediately grant my delegate or myself access to these sheltered records.



application.pdf



FOFIAP~Cabinet  
Records (re-add...

Regards

PE Clifton  
852 Red River Drive  
Howden, Mb R5A 1J4

# APPLICATION FOR ACCESS



Please see reverse for instructions

## Applicant

Surname: Clifton First Name: Paul E.  
Address: Group 5 Box 16 RR #1  
St. Norbert, MB  
Date 03 10 12 Postal Code: R3V 1L2  
Daytime Telephone Number: (204) 269-7760 Fax Number: (204) 275-8142

## What Information Are You Requesting? Please check one

My own personal information  Personal information for another  
General information  person (Attach proof of authority)

I wish to obtain access to the following records: **Cabinet Records - EC 0005, Government Transfer of Records GR 5384**

*Expunge from the record my Access Request dated 03 10 11 and mailed under Canada Post tracking number 78 699 318 907, as this request was written in error.*

**Replace with: We understand from a Provincial Archivist that Cabinet records, EC 0005 transferred in two bundles under Transfer of Records documentation GR 5384 are held within the Provincial Archives.**

**These Cabinet records are to be held in confidence for five years or until a change of government. Given the latter has transpired in 1999, we wish to view records from two periods. 1) The period of April 01, 1997 to May 30, 1997 seeking insights into government decisions during the Red River Flood. 2) Records from June 01, 1997 to the date of change of government, seeking insights into post flood treatment on compensation.**

**Please provide approval to view and copy portions of the above referenced records.**

Applicant's Signature: \_\_\_\_\_

FOR PUBLIC BODY USE ONLY

Date Received: \_\_\_\_\_ Number: \_\_\_\_\_

Send Top Copy. Retain Other Copy for Your Records.



**CLERK OF THE EXECUTIVE COUNCIL**

Legislative Building  
Winnipeg, Manitoba, CANADA  
R3C 0V8

November 14, 2003

Mr. Paul E. Clifton  
Group 5 Box 16 RR#1  
St. Norbert, MB R3V 1L2

Dear Mr. Clifton:

**Re: Application for Access under The Freedom of Information and Protection of Privacy Act (FIPPA) (Our File No. 30/03EC)**

Your application for access was received by Executive Council on October 15, 2003. You requested:

*“ Cabinet Records - EC 0005, Government Transfer of Records GR 5384  
Expunge from the record my Access Request dated 03 10 11 and mailed under Canada Post tracking  
number 78 699 318 907, as this request was written in error.  
Replace with: We understand from a Provincial Archivist that Cabinet records, EC 0005 transferred in  
two bundles under Transfer of Records documentation GR 5384 are held within the Provincial Archives.  
These Cabinet records are to be held in confidence for five years or until a change of government.  
Given the latter has transpired in 1999, we wish to view records from two periods. 1) The period of April  
01, 1997 to May 30, 1997 seeking insights into government decisions during the Red River Flood. 2)  
Records from June 01, 1997 to the date of change of government, seeking insights into post flood  
treatment on compensation.  
Please provide approval to view and copy portions of the above referenced records. ”*

*The Freedom of Information and Protection of Privacy Act* establishes mandatory exceptions to disclosure for matters involving Cabinet or committees thereof. Section 19(1) of the Act requires Executive Council to refuse access to information that would reveal a Cabinet confidence. The records identified in your access request fall under section 19(1).

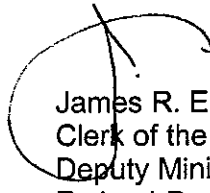
You mention in your request that *“Cabinet records are to be held in confidence for five years or until a change of government “*. Subsection 19(2) of FIPPA provides for two circumstances where the mandatory requirement to refuse access does not apply. I must advise that neither of the two circumstances outlined in subsection 19(2) apply in this case. For your information and use, I have attached an extract of subsections 19(1) and 19(2) of FIPPA. Please note the 30-year time period set out in 19(2)(b).

If you have any questions concerning your Application for Access request or *The Freedom of Information and Protection of Privacy Act*, please do not hesitate to contact Erroll Kavanagh at (204) 945-4319. A complete copy of the legislation can be found on the government's website ([www.gov.mb.ca/chc/fippa](http://www.gov.mb.ca/chc/fippa)).

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'James R. Eldridge', written over a circular scribble.

James R. Eldridge  
Clerk of the Executive Council  
Deputy Minister of  
Federal-Provincial Relations

Erroll Kavanagh

**Attachment - Extract from FIPPA  
Application for Access  
File Number 30/03EC**

---

**Cabinet confidences**

**19(1)** The head of a public body shall refuse to disclose to an applicant information that would reveal the substance of deliberations of Cabinet, including

- (a) an agenda, minute or other record of the deliberations or decisions of Cabinet;
- (b) discussion papers, policy analyses, proposals, advice or similar briefing material submitted or prepared for submission to Cabinet;
- (c) a proposal or recommendation prepared for, or reviewed and approved by, a minister for submission to Cabinet;
- (d) a record that reflects communications among ministers relating directly to the making of a government decision or the formulation of government policy; and
- (e) a record prepared to brief a minister about a matter that is before, or is proposed to be brought before, Cabinet or that is the subject of communications among ministers relating directly to government decisions or the formulation of government policy.

**Exceptions**

**19(2)** Subsection (1) does not apply if

- (a) the Cabinet for which, or in respect of which, the record has been prepared consents to the disclosure; or
- (b) the record is more than 30 years old.