



Justice

Crown Law
Room 730 – 405 Broadway
Winnipeg, Manitoba, R3C 3L6

October 4, 2023

David Richardson



Dear Applicant:

Re: Your Access Request under the Freedom of Information and Protection of Privacy Act – Our File # JUS23-115

On September 12, 2023, Manitoba Justice received your request for access under *The Freedom of Information and Protection of Privacy Act* (FIPPA) for the following:

***JUS23-115** - All available records regarding the case of Edward Richardson, who was arrested by the WPS in February 2019 on several charges, including Fraud over \$5000.*

I am seeking access to all available records related to this case, but specifically would like to focus on the following records:

- All available records related to the disclosure that the Crown would have been provided in the case of Edward Richardson.

- All records related to the Crown's decision not to pursue charges against Edward Richardson, including but not limited to any internal memos, correspondence, meeting minutes, legal opinions and any other relevant documents that explain the reasons behind the decision.

One of the purposes of FIPPA is to allow any person a right of access to records in custody or under the control of a public body, subject to limited and specific exemptions, which are set out in the Act.

Please be advised that access is refused based on Sections 4(b) and 27(2) of the Act. These Sections are as follows:

4 *This Act applies to all records in the custody or under the control of a public body but does not apply to*

...

(b) a note made by or for, or a communication or draft decision of, a person who is acting in a judicial or quasi-judicial capacity;

...

The records you are seeking relate to a decision made by an individual operating in a quasi-judicial capacity. As such, these documents do not fall within the scope of FIPPA and must not be released.

27(2) *The head of a public body shall refuse to disclose to an applicant information that is subject to a legal privilege of a person other than the public body.*

Section 27(2) is a mandatory exception to disclosure. Any records relating to legal advice or considerations in this case must be withheld in accordance with this section. This includes any disclosure material that may have been provided by the defendant's attorney. The defendant may wish to reach out to their legal counsel to request the disclosure material.

The Department can advise that although a court date was designated in this case, no charges were authorized to be laid.

Subsection 59(1) of FIPPA provides that you may make a complaint about this decision. You have 60 days to make a complaint to the Manitoba Ombudsman. For information about making a complaint, visit the Manitoba Ombudsman's website or contact that office using the information below.

Manitoba Ombudsman
750 - 500 Portage Avenue
Winnipeg MB R3C 3X1
Phone: 204-982-9130
Email: ombudsman@ombudsman.mb.ca
Website: <https://www.ombudsman.mb.ca/>

If you have any questions, please contact the Manitoba Justice Access and Privacy Management Branch at:

1110-405 Broadway
Winnipeg, Manitoba, R3C 3L6.
E-mail: Jusaccessrequests@gov.mb.ca
Phone: (204) 945-2984

Yours truly,

Michael Conner, K.C.
Assistant Deputy Attorney General
Access and Privacy Officer

c. Access and Privacy Coordinator