

# ***NEWS RELEASE***

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## **Manitoba Ombudsman Releases 2008 Annual Report under *The Ombudsman Act, The Freedom of Information and Protection of Privacy Act, The Personal Health Information Act and The Public Interest Disclosure (Whistleblower Protection) Act***

Manitoba Ombudsman, Irene Hamilton has released her Annual Report for the calendar year 2008.

“Our work in 2008 reflects how the Ombudsman’s office is reaching more Manitobans and providing more customized and specialized assistance to the professionals who serve the public,” said Hamilton.

“We have increased our efforts in outreach, systemic investigations and monitoring of information and privacy protection. Our mandate includes providing information to private sector health care professionals about access and privacy issues; and to public sector officials about achieving administrative fairness. It extends to such diverse disciplines as child welfare, corrections and education.”

Said Hamilton, “We continue to enhance our services so that while continuing to investigate individuals’ complaints, we also dedicate resources to investigating repeating concerns or underlying causes to problems within administrative systems. If Manitobans feel that they have not been treated fairly, or do not know where to turn when navigating government, they should contact our office.”

### **Highlights Concerning *FIPPA* and *PHIA***

- In 2008, the Ombudsman commented on the privacy implications of proposed programs: the implementation by the Winnipeg Police Service of surveillance cameras in downtown Winnipeg streets, and the introduction by Manitoba Public Insurance of voluntary travel identification documents containing radio frequency identification (RFID) technology. The Ombudsman will continue to monitor these programs and has issued a news release and fact sheet for the public, *The Manitoba Enhanced Identification Card (EIC): 10 Points for Privacy Awareness*, at [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca) (pages 71-79).
- Manitoba eHealth is responsible for planning, designing and developing the provincial electronic health record system where a patient’s health records stored electronically at separate sites could be brought together and obtained through computer. Many privacy issues

need to be resolved within this system and the Ombudsman is of the view that the public should be fully engaged in the process leading up to those decisions. For more information, see [www.infoway-inforoute.ca](http://www.infoway-inforoute.ca) and [www.manitoba-ehealth.ca](http://www.manitoba-ehealth.ca) (pages 80-84).

### **Highlights Concerning *The Ombudsman Act***

- In 2008, the Ombudsman produced *Understanding Fairness*, a comprehensive guide to fairness designed specifically for municipal decision makers, to assist them in the challenging work they do and to provide tools for promoting fairness and making it a standard of practice. The guide was produced in cooperation with Manitoba Intergovernmental Affairs, the Association of Manitoba Municipalities and the Manitoba Municipal Administrators' Association, and is available on their websites as well as [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca) (pages 38-39).
- For greater transparency, the Ombudsman adopted a new process in 2008 for inquest reporting. The Ombudsman began posting and maintaining an up-to-date Inquest Reporting Table with pertinent information to provide context. See "Inquest Reporting Table" at [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca) (pages 31-32).
- In her previous Annual Report, the Ombudsman reported on people living with mental illnesses or mental disabilities who are detained in provincial correctional centres. Some progress was made in 2008, however the Ombudsman continues to have significant concern regarding the incarceration of high risk/high needs individuals who are unable to meet the conditions of bail because the systems they need to rely upon cannot find suitable community placements. Resolution of these issues requires the collaboration of the departments of Health, Family Services and Housing, and Justice (pages 27-29).

### **Highlights Concerning *The Public Interest Disclosure (Whistleblower Protection) Act***

- *The Public Interest Disclosure (Whistleblower Protection) Act* gives government employees and others a clear process for disclosing significant and serious wrongdoing in the Manitoba public service and provides protection from reprisal. The Ombudsman is one of the parties under the Act to whom a disclosure may be made.
- In 2008, seven disclosures of wrongdoing were received, three of which were opened under *The Public Interest Disclosure (Whistle Blower) Act* and investigations are ongoing. Two others were more appropriately investigated under *The Ombudsman Act* and two were referred to the Manitoba Civil Service Commission. The investigation of a 2007 disclosure of wrongdoing was completed in 2008 and did not conclude that there had been "gross management" as alleged, but did address management issues (page 61).

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