

NEWS RELEASE

For Release: January 4, 2011

Ombudsman Releases Fact Sheet, "10 Changes to FIPPA"

With the proclamation of amendments to *The Freedom of Information and Protection of Privacy Act* (FIPPA) on January 1, 2011, Manitoba Ombudsman Irene Hamilton has released a fact sheet highlighting some of the changes, "[10 Changes to FIPPA](#)".

A significant change includes the creation of an Information and Privacy Adjudicator who has the power to make orders.

If a public body does not act on a recommendation made by the Ombudsman in a FIPPA access to information or privacy complaint, the Ombudsman may refer the matter to the Adjudicator for review.

The role and function of the Information and Privacy Adjudicator also applies to the complaint process relating to trustees under *The Personal Health Information Act* (PHIA).

"The Ombudsman rarely makes a formal recommendation relating to a complaint investigation because we are able to informally resolve complaints with public bodies and trustees, or we find that their decisions comply with FIPPA or PHIA," said Hamilton. "However, in those unusual situations where a public body or trustee does not follow my recommendations, I will be able to forward matters to the Adjudicator for his review and decision."

Previously, after an Ombudsman complaint investigation, an appeal to Court was available in only two circumstances - a refusal of access, or the proposed release of information affecting a third party's privacy. Now, the Adjudicator can consider any decision, act or failure to act by a public body or trustee, whether relating to access to information or privacy.

As of January 1, an individual can still appeal a refusal of access to Court under FIPPA or PHIA, after the Ombudsman's complaint investigation is completed and if the Ombudsman has not asked the Adjudicator to review the complaint.

Another new FIPPA provision permits educational institutions to disclose personal information from their alumni records that is reasonably necessary for fundraising purposes. The institution must first enter into a written agreement that complies with FIPPA.

"It is important that Manitobans know that they can request that their information not be disclosed for this type of fundraising," said Hamilton. "Also, individuals can request access to the information disclosed for this purpose and ask that it no longer be used for the educational institution's fundraising."

A comprehensive review of the operation of FIPPA must be undertaken within five years of the Information and Privacy Adjudicator coming into effect. The review will include public participation.

More information about the changes is available on the Ombudsman's website at <http://www.ombudsman.mb.ca>

MEDIA CONTACT:

Irene Hamilton, Manitoba Ombudsman
at (204) 982-9130 or 1-800-665-0531 (in Manitoba)