

MANITOBA OMBUDSNEWS

Ombudsman, Access and Privacy Newsletter



UN Convention of the Rights of the Child turns 20

On November 20, 2009, Manitoba, Canada and the world will recognize and celebrate the 20th anniversary of the United Nations' Convention on the Rights of the Child (CRC). The CRC, ratified by Canada in 1991, is an international treaty that grants children in all parts of the world a comprehensive set of economic, social, cultural, civil and political rights. For more information on the CRC, please see <http://www.unicef.org/crc/>.



The Ombudsman is an independent officer of the Legislative Assembly and is not part of any government department, board or agency. The Ombudsman has oversight responsibility, and can investigate matters related to the implementation and administration of government programs and policies, including those government programs and policies that directly affect Manitoba's children. In recent years, our office has worked extensively with the departments of Justice and Family Services and Housing on initiatives with significant implications for children and youth in the child welfare system and in youth correctional centres. Reports and other publications arising from these initiatives are available on our website at <http://www.ombudsman.mb.ca>.

Our office is also involved in the formal process that occurs after

the death of a child. The Office of the Children's Advocate has responsibility for conducting comprehensive reviews of the deaths of children and makes recommendations to the child welfare system and publicly-funded social services, mental health, or addictions treatment services with the intent of preventing future deaths. As an independent and impartial body, our office has responsibility for monitoring the implementation of those recommendations and reporting our findings publicly.

In addition to working with government departments and agencies, our office communicates directly with children and youth. In 2007, we developed *Joining the Herd: A Handbook on Participating in Manitoba's Government*. The handbook contains information and learning activities for use with the Grades 6, 9 and 11 Social

Studies curriculum. Representatives from our office frequently visit schools and youth correctional centres to talk to students about how the Ombudsman can play a part in the exercise of democratic rights in Manitoba.

The Manitoba Ombudsman's Office is committed to raising awareness of children's rights through the work that we do as an oversight office of the provincial government, and through the outreach we do to Manitobans of all ages. We encourage everyone to join us in celebrating the 20th anniversary of the United Nations' Convention on the Rights of the Child.

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Janet Keeping

RIGHT TO KNOW REQUIRES VIGILANCE

This year's Right to Know Week keynote speaker, Janet Keeping, reminded us that maintaining humane governance requires vigilance. In her September 29, 2009 presentation at the University of

Winnipeg, Ms Keeping, a human rights expert, posed the questions, "What is the relationship between citizen and state? Is a particular way of governing a good way to govern society? Will it bring out the best in us?" She noted that the individual's "right to know" lies at the heart of these questions.

There are countless reasons why individuals seek access to information from public sector bodies, including government. Although an individual does not have to provide a reason for seeking information from their public sector bodies, common reasons include:

- to obtain knowledge for addressing public issues
- to scrutinize government and become an active participant in the democratic process
- to shed light on environmental and health dangers, error or alleged mismanagement, and
- to seek clarification for the basis of government decisions

Improvements resulting from individuals' exercise of their access rights can include:

- better records management
- increased routine disclosure and active dissemination of information
- enhanced assistance to the public seeking information, and

- better public service and efficiencies

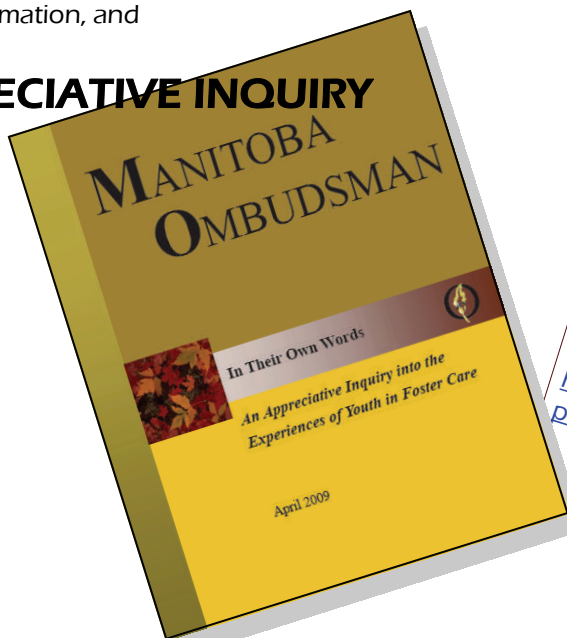
There is still improvement to be made and the learning process is ongoing. Informing the public and the public sector of their access rights and responsibilities never stops. Everyone - the public and the public sector - has responsibilities for the process to operate well, and everyone - all individuals, including public sector employees and officers - may be requesters of publicly-held information. Despite two decades of access to information legislation in Manitoba, close to 50% of access complaints to the Ombudsman's office over the past four years are to some extent substantiated. Although, increasingly, information is being routinely disseminated by public bodies (often on websites), more information should be made available proactively, especially where information is repeatedly released in full by way of the FIPPA process.

For the past four years, Right to Know Week has been celebrated in Canada, coinciding with International Right to Know Day, September 28th. This is a valuable opportunity to appreciate and critically assess our right to individual access to information. However, we must always keep in mind the use and the value of our rights and access systems, as well as how we may improve our use of these systems and the systems themselves. Laws and how we administer those laws are human creations that can be made and changed.



Janet Keeping and Irene Hamilton

APPRECIATIVE INQUIRY



In our Fall 2008 newsletter, we reported that we embarked, along with a Faculty of Social Work graduate student, on a journey of appreciative inquiry into the child welfare system. We are pleased to announce that the final report of this project, *In Their Own Words: An Appreciative Inquiry into the Experiences of Youth in Foster Care*, is now available on our website at <http://www.ombudsman.mb.ca/oreports.htm>.



SPEAKING OUT

In September, Ombudsman staff were pleased to present to students in two University of Winnipeg classes - Poverty and the Law, and Public Administration.

On October 1, Ombudsman staff spoke to Swan River Adult Education students at the Friendship Centre in Swan River. When asked to note something interesting they heard during the presentation, one student wrote, "you can walk into any government building and see anything – sweet," in reference to our legislation that allows us to enter into any government building and see any information when we are conducting investigations, if necessary. Another found it interesting that we are able to provide services in Cree. Following the presentation, lunch was provided for everyone. Many thanks for the warm welcome in Swan River.

Ombudsman staff were also pleased to participate in the Manitoba Social Studies Teachers' Special Area Groups conference at Kildonan East Collegiate on October 23. Chris Samels from Pine Creek



Swan River students

School Division was the winner of our draw for a Province of Manitoba pen and letter opener set. Congratulations Chris!

We also appreciate the opportunity to speak to government employees. Increasing awareness of the kind of work that we do helps to foster better working relationships when we do contact a government department or agency after we have received a complaint. In October, we met with employees from the Manitoba Developmental Centre in Portage la Prairie, and the Civil Service Commission. Ombudsman Irene Hamilton also had the

opportunity to meet with Legislative Interns to talk about the role, mandate and jurisdiction of the Ombudsman.

In October, Irene presented on "Working with the Ombudsman" at a FIPPA 101 workshop hosted by the Manitoba Municipal Administrators' Association. As part of the British Columbia Ombudsman's 30th anniversary celebration, Irene was invited to represent the provincial parliamentary ombudsman model on a panel that examined different kinds of ombudsmanship. Also present on the panel were ombudsmen from a city, a college, and the financial services sector.

Lastly, Ombudsman staff met with representatives of the Manitoba Association of Friendship Centres as part of our outreach efforts to tell their clients about the services we provide.

To arrange for a presentation to your organization or classroom, please call 982-9135 or 1-800-665-0531.

INTRODUCING *IN OUR VIEW*



We are introducing a new column that will periodically feature our perspective on various issues. In this edition, we look at an issue that frequently arises in our Access and Privacy Division during investigations about refused access under FIPPA.

In our view...

When government employees or officials act in a professional or official capacity, it is to be expected that this

information would be recorded in records that are generated in the normal course of these professional/official activities. Recorded information about staff in their professional or official capacity exists because of their roles in their professional capacity and their employment responsibilities as employees of a public body.

FIPPA presumes that information about a third party's employment responsibilities should not be withheld from an applicant who is seeking access under FIPPA. The Act sets out limits when disclosure is not an unreasonable invasion of a third party's privacy. One of the limits, under clause 17(4)(e), is when information is about the third party's

employment responsibilities as an officer or employee of a public body. The limit prescribed under clause 17(4)(e) intends that information about employment responsibilities of an employee of a public body should not be withheld.

The names, titles, work phone numbers and work fax numbers of employees of a public body exist for an employment purpose. Generally, we have not accepted the application of any provisions in section 17 to this type of information because disclosure would not be an unreasonable invasion of privacy.

In our view, assuming that no other exceptions apply, this type of information is releasable to an applicant under FIPPA.

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UPCOMING EVENTS

- November 18, 2009 - Brown Bag Talk for Access and Privacy Coordinators and Officers, "All About Extensions: When, Why and How", call 982-9130 for details or to register
- December 16, 2009 - Brown Bag Talk for Access and Privacy Coordinators and Officers, "Interesting Access and Privacy Issues (yours and ours)", call 982-9130 for details or to register

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