

# MANITOBA OMBUDSNEWS

Ombudsman, Access and Privacy Newsletter



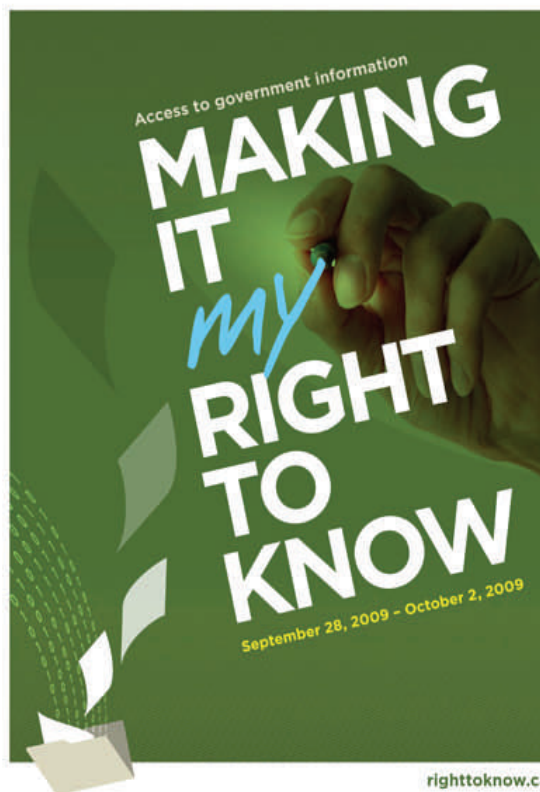
## CELEBRATE YOUR RIGHT TO KNOW RIGHT NOW!

Right to Know Week 2009 is being marked across Canada, September 28 to October 2. Take the time to appreciate your right of access to information held by public sector bodies in Manitoba. This is not a right available everywhere in the world.

Leading Manitoba's celebrations is **keynote speaker, Janet Keeping, President of the Calgary-based Sheldon Chumir Foundation for Ethics in Leadership, on the topic, "The Struggle against Corruption: The Rule of Law and 'Right to Know' – an international perspective"** (Tuesday, September 29, 3:45-4:30 p.m., University of Winnipeg, Eckhardt-Gramatte Hall, **free of charge, no registration needed**).

Ms Keeping's academic background includes a Masters in Philosophy and a Bachelor of Laws. She was the first Executive Director of the Alberta Civil Liberties Research Centre and also served as Director of Russia Programs for and Research Assistant with the Canadian Institute of Resources Law.

Consider, with Ms Keeping, the Right to Know from a human rights perspective.



Following the annual general meeting of the Consumers' Association of Canada (Manitoba), **Ombudsman Irene Hamilton will be speaking on, "Your Right to Know and the Manitoba Ombudsman"** (Wednesday, September 30, 7:00-8:00 p.m., Manitoba Legislative Building dining room, **free of charge, no registration needed**). Hear about the role and experience of the oversight authority in the individual's right to see and obtain copies of records held by public sector bodies in Manitoba.

### For More on Right to Know:

- see our "Upcoming Events" page at the end of this newsletter
- visit our web site, <http://www.ombudsman.mb.ca> (Access and Privacy Division home page, then click left hand button, "Right to Know")
- visit the national web portal, <http://www.righttoknow.ca>

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## A PRIMER ON ELECTRONIC HEALTH RECORD TERMS AND INITIATIVES

You may have heard about the **interoperable electronic health record infostructure (EHRi)** that is being built in Manitoba (see our 2008 Annual Report, page 81; [www.ombudsman.mb.ca/pdf/2008\\_annual\\_report\\_english.pdf](http://www.ombudsman.mb.ca/pdf/2008_annual_report_english.pdf).) Many people think that a comprehensive electronic system that communicates between regions, services and providers in Manitoba and across Canada already exists. Not yet, although components and the enabling architecture are being developed.

The plan is to be able to produce an **electronic health record (EHR)** for every patient at a given time. An EHR is a compilation, in digital format, of personal health information about a single patient, typically accessed by computers connected by a network to one or more remote servers where data is stored. Information that could be brought together from various repositories by authorized users would include non-clinical demographic and administrative



information as well as such component data as current and past treatment, current prescriptions, immunizations and diagnostic images like X-rays and CT scans.

Perhaps your physician charts your personal health information by computer on an **electronic medical record (EMR)**. When the EMR is linked to the EHRi, only some elements of information will be transferred to the EHRi. The extent of the individual's control

over this transfer (or other transfers of their personal health information to the EHRi) is now being considered by Manitoba eHealth — the program that is planning, designing and developing the EHRi ([www.manitoba-ehealth.ca](http://www.manitoba-ehealth.ca)).

You may have heard of the ability of patients to maintain their own health information online. A **personal health record (PHR)** is still largely a vision. However, different services in this regard will be offered by the private sector (see the Canadian Privacy Commissioners' resolution, September 10, 2009 [www.ombudsman.mb.ca/whatsnew.htm](http://www.ombudsman.mb.ca/whatsnew.htm)).

Keep informed of the different terminology and initiatives underway. Be curious and ask questions. The construction and evolution of new technologies in personal health information management are directly relevant to you.

## ON THE ROAD

In 2008, our office received a complaint from a number of community organizations about the fairness and effectiveness of the Employment and Income Assistance (EIA) Program. Between May and September 2009, Ombudsman Division investigators travelled around the province from Morden to Thompson, and from Steinbach to Swan River, visiting all Family Service and Housing offices that deliver the EIA program. Investigators interviewed several employees at each location. To date, over 120 interviews have



been conducted. We would like to thank all employees who welcomed us into their offices and spoke to us candidly about the EIA program and the work that they do. We will report our

findings and recommendations arising from this systemic review in the near future.

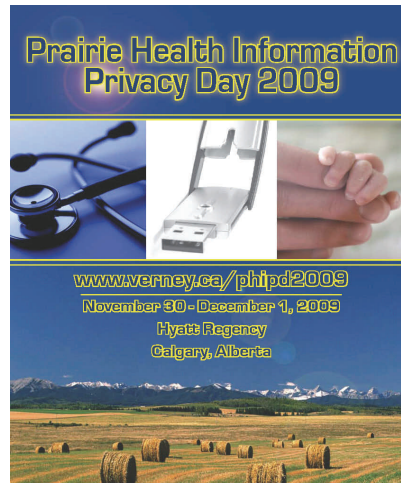
In late August 2009, Ombudsman Division investigators visited correctional facilities in Dauphin and The Pas, and RCMP holding cells in Thompson, as part of our periodic efforts to monitor the living conditions of people confined to those facilities. Investigators met with Corrections staff to discuss any emerging issues. In The Pas, investigators also met with representatives from Manitoba Sheriff Services.



## PRAIRIE HEALTH INFORMATION PRIVACY DAY RETURNS

Prairie Health Information Privacy Day and associated workshops return for a third year, this time in Calgary, November 30 to December 1, 2009. The event is organized and co-hosted by Manitoba Ombudsman and the Offices of the Information and Privacy Commissioners of Alberta and Saskatchewan.

This annual event focuses on information privacy of personal health information. This year,



several sessions will be offered on electronic health records, which are revolutionizing the field.

The agenda is now being prepared and we thank past attendees for your topic suggestions in our summer survey. We expect several Manitobans to be among the expert presenters.

For more information, including registration details, see <http://www.verney.ca/phipd2009/>.

## ORGANIZATIONAL CHANGES

In 2007, after we completed our review of the child welfare system, a position within the Ombudsman Division was created to oversee all aspects of large, systemic investigations. Since that time, we have completed systemic reviews of the licensing and enforcement practices of Water Stewardship, and we are currently reviewing the Employment and Income Assistance Program. The outcome of all systemic investigations should be administrative improvement, either by enhancing fairness, accountability, transparency, and/or efficiency in the administration of public programs. To further enhance our capacity to promote this kind of positive change in the public sector, we recently created a similar position responsible for systemic investigations and audits in our Access and Privacy Division. This position will be

responsible for developing and implementing a program for conducting systemic investigations and audits to monitor and ensure compliance with FIPPA and PHIA.

Responding to complaints from individuals remains one of the core business functions in both divisions of our office. A Communications, Education and Training position was also recently created to ensure that we are getting the message out about the work that we do, and its value, to the people who might benefit from knowing more about our services.



## IN PRINT

*The Rights of Youth* pamphlet series published jointly by the Manitoba Ombudsman, the Children's Advocate, and the Human Rights Commission, remains one of our most popular information series. In 2009, six pamphlets in the series were updated, including *Human Rights*, *On the Job*, *Adoption*, *Family Matters*, *Neglect & Abuse*, and *Youth in Care*. The remaining two – *Criminal Justice*, and *You and School* – are currently under revision. All eight pamphlets are available in PDF on our website at: [http://www.ombudsman.mb.ca/](http://www.ombudsman.mb.ca/rightsofyouth.htm)

[rightsofyouth.htm](http://www.ombudsman.mb.ca/rightsofyouth.htm). On the topic of youth rights, the 20th anniversary of the United Nations' Convention on the Rights of the Child occurs on November 20, 2009. Watch for



more details on this event in our next newsletter.

In June 2009 our Access and Privacy Division also released a new practice note, *Making Effective Written Representations in Responding to Complaints about Refused Access under FIPPA*, to assist public bodies when responding to the Ombudsman about a refusal of access complaint. The practice note is available in PDF on our website at: <http://www.ombudsman.mb.ca/resources.htm>





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### UPCOMING EVENTS

**September 28, 2009** – Session for Red River College journalism students, "FOI 101", Red River College, Princess Campus, 9:00 – 10:00 a.m.

**September 29, 2009** – Workshop for Manitoba's working journalists and Red River journalism students, "Right to Know Workshop", Red River College, Princess Campus, Room P107, 8:00 – 9:30 a.m.

**September 29, 2009** – Public Right to Know presentation, Janet Keeping, President of the Calgary-based Sheldon Chumir Foundation for Ethics in Leadership, "The

Struggle against Corruption: The Rule of Law and 'Right to Know' – an international perspective", at the University of Winnipeg, Eckhardt-Gramatte Hall, 3:45 - 4:30 p.m.

*-free; no registration necessary*

**September 30, 2009** – Public Right to Know presentation, Irene Hamilton, Manitoba Ombudsman, "Your Right to Know and the Ombudsman", at the Manitoba Legislative

Building dining room, 7:00 - 8:00 p.m. This 7:00 p.m. event follows the annual general meeting of the Consumers Association of Canada (Manitoba).

*-free; no registration necessary (optional dinner: at 5:45 p.m., \$15.00, R.S.V.P. dinner by Sept 25th by phoning 452-2572)*

**November 30, 2009** – Prairie Health Information Privacy Day, co-hosted by Manitoba Ombudsman and the Offices of the Information and Privacy Commissioners of Alberta and Saskatchewan, at The Hyatt Regency, Calgary Alberta.

*-for Access and Privacy officers and coordinators, all health professionals and health organizations, staff of provincial and municipal governments, school divisions, universities*

*-For more information and registration on Prairie Health Information Privacy events, <http://www.verney.ca/hipd2009>*

**December 1, 2009** - Workshops associated with Prairie Health Information Privacy Day, at The Hyatt Regency, Calgary Alberta

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