



## Amendments to *The Freedom of Information and Protection of Privacy Act*

*The Freedom of Information and Protection of Privacy Act* (FIPPA) provides a person with the legal right of access to records held by Manitoba public bodies, subject to specific and limited exceptions. The Act also requires that public bodies protect the privacy of an individual's personal information in the records that they hold or control. "Public bodies" include provincial government departments, government agencies, and "local public bodies" (municipalities, RHAs, hospitals, universities and school divisions).



or can handle personal health information, was also amended effective January 1st to include the Information and Privacy Adjudicator.

The Adjudicator is an additional level of independent review and complaint resolution available to the Ombudsman in access and privacy matters. The Ombudsman may refer a matter to the Adjudicator for review if a public body or trustee does not act on a recommendation made by the Ombudsman in an access to information or privacy complaint. Upon completing the review, the Adjudicator has the power to make orders. Like the Ombudsman, the Adjudicator is an Officer of the Legislative Assembly.

FIPPA became law in May 1998 when it replaced *The Freedom of Information Act* which had been in force since September 1988. Significant changes to FIPPA came into effect on January 1, 2011, including the creation of an Information and Privacy Adjudicator. Manitoba's newly appointed Information and Privacy Adjudicator is Ron Perozzo. *The Personal Health Information Act* (PHIA), which sets out how an individual can obtain access to his or her own personal health information and how trustees must

Other changes made allow public bodies to use and disclose (share outside their organization) personal information without the individual's consent in six additional situations. These new provisions for sharing personal information are:

- to an officer or employee of a public body as needed by that person for his or her job for the purpose of delivering a common or integrated service, program or activity

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- for the purpose of evaluating or monitoring a service, program or activity of the Government of Manitoba or the public body
- for the purpose of research and planning that relates to a service, program or activity of the Government of Manitoba or the public body
- if the personal information is information of the type routinely disclosed in a business or professional context, limited to the individual's name, position name/title, business and email addresses and telephone and fax numbers, and the disclosure reveals no other personal information
- to a person or body that manages personal information for the public body, pursuant to a written agreement as set out in FIPPA
- to a person who has entered into a fundraising agreement as set out in FIPPA with a public body that is an educational institution, and the personal information is from the alumni records and reasonably necessary for the institution's fundraising activities

FIPPA provides a means for individuals to control their personal information in the situation of educational institutions sharing that information for fundraising. It is important that individuals know their rights relating to fundraising by educational institutions. The written

fundraising agreement between the educational institution and the fundraiser must:

- require that individuals are informed of their right to request that their personal information cease to be disclosed
- allow individuals, on request, a right of access to personal information that is disclosed about them in the fundraising
- require that the person to whom the information is disclosed cease to use the personal information if the individual so requests

Manitoba Ombudsman has prepared the following documents, available on our website, about these amendments:

[News Release issued January 4, 2011](#)

[Information Sheet - 10 Changes to FIPPA](#)

[Practice Note - Overview of FIPPA Amendments](#)

[13 revised FIPPA and PHIA Practice Notes](#), including an addition to *Overview of PHIA Amendments* (issued in May 2010)

Information about the amendments is also available on the FIPPA website of Culture, Heritage and Tourism at: <http://www.gov.mb.ca/chc/fippa/amend.html>

## What's new in privacy?



The federal Office of the Privacy Commissioner is making an investment in outreach in Western Canada by assigning Stephanie Grimes, Public Education Officer, to develop outreach programs for Manitoba and Saskatchewan. Stephanie, who lives in Winnipeg, will work with provincial offices to produce materials,

deliver presentations and develop localized and focused outreach activities.

Stephanie's work in Winnipeg builds on the commitment made by federal, provincial and territorial commissioners at their most recent meeting in Whitehorse to work in partnership with the common goal of raising awareness

of privacy issues among Canadians everywhere.

The federal commissioner's goal is to work with provincial and territorial commissioners to build productive and sustainable outreach programs, focused on two areas: small business awareness of privacy issues and safeguards, and digital literacy among Canadians, particularly the young.

Stephanie has been with the Office of the Privacy Commissioner for two years and was most recently responsible for handling events and speaking engagements for the office. She has exhibited at numerous privacy conferences across Canada and the United States. Stephanie can be reached directly at:

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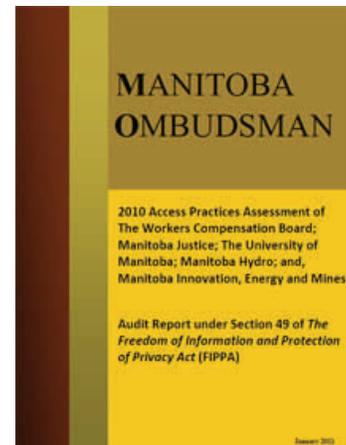
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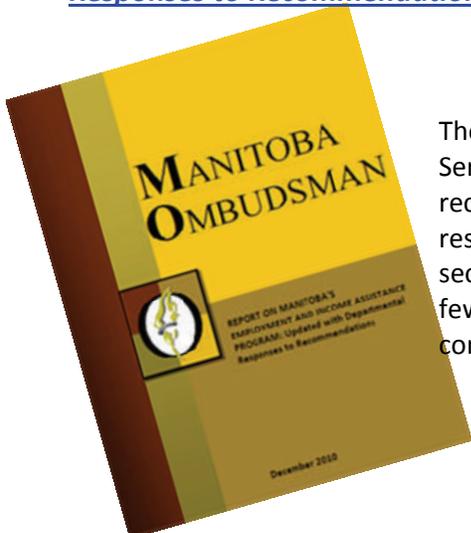
## New publications

### [2010 Access Practices Assessment of The Workers Compensation Board; Manitoba Justice; The University of Manitoba; Manitoba Hydro; and Manitoba Innovation, Energy and Mines](#)

The audits examined key components of a public body's processing of an application for access made under *The Freedom of Information and Protection of Privacy Act*. Each audit focused on four components: compliance with time requirements of FIPPA; compliance with the requirements of a response to an applicant; adequacy of the contents the FIPPA file; and adequacy of a public body's records preparation. The audits examined files from the previous year where decisions were made to refuse access to records in full or in part, or where it was indicated that records did not exist or could not be located. Recommendations were made to four of the five public bodies that were audited. All of the recommendations made were accepted.



### [Report on Manitoba's Employment and Income Assistance Program: Updated with Departmental Responses to Recommendations](#)



The updated report on the Employment and Income Assistance Program of Family Services and Consumer Affairs includes the department's responses to the 68 recommendations made in the initial report released in May 2010. The department's responses are found within the report following the recommendations made in each section. The department continues to consider some of the recommendations, and in a few cases, disagrees with the recommendations. In these cases, the Ombudsman's comments have been included beneath the departmental response within the report.

### [Can We Help? Poster and Brochure](#)

To help in getting the message out about how the Manitoba Ombudsman might be able to assist if you are having a problem with a provincial department/agency, the City of Winnipeg or another municipality, a new poster and corresponding brochure have been produced. The brochure includes background information about what the office may be able to do for you. It also includes a tear-off form that can be mailed to the office.



## Protecting personal information on mobile devices

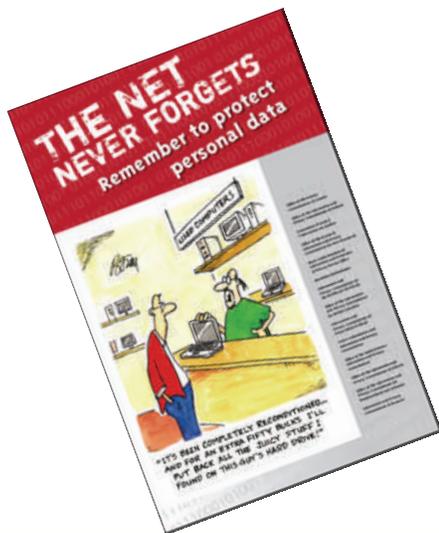
In celebration of Data Privacy Day, January 28, 2011, the Ombudsman posted two "Privacy on the Go" fact sheets, compliments of the Office of the Privacy Commissioner of Canada on our website in the "What's New" section:

[10 Tips for Individuals on Protecting Personal Information on Mobile Devices](#)

[10 Workplace Tips for Protecting Personal Information on Mobile Devices](#)



The Office of the Privacy Commissioner of Canada also produced a series of "The Net Never Forgets" 11" x 17" free posters. To request posters, please call our general office number at 982-9130 or 1-800-665-0531.



## Upcoming events

### February 16, March 16 and April 20: Brown Bag Talks

Brown Bag Talks for Access and Privacy Coordinators and Officers under FIPPA and PHIA are held the 3rd Wednesday of each month at our office from 12:05 - 12:50 p.m. The topic for February 16 is *Overview of FIPPA amendments proclaimed January 1, 2011* and the March 16 topic is *Responding to the Ombudsman's Recommendations under FIPPA and PHIA*. The April topic is to be determined.

### February 23, 24, and March 1: Regional Seminars for Elected Municipal Officials: "Once Elected What is Expected?"

Local Government/AMM regional seminars have been occurring around the province to familiarize newly elected officials with their roles and responsibilities, as well as expectations and requirements of the position. Manitoba Ombudsman staff have been participating in the sessions, sharing information about the role of our office along with some tips for fair decision making. There are still three sessions left - February 23 in Gladstone, February 24 in Ste. Anne, and March 1 in Thompson. Registration information is available at [www.amm.mb.ca](http://www.amm.mb.ca).

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