

Manitoba OmbudsNews

Ombudsman, Access and Privacy Newsletter

2011-2



Ombudsman Irene Hamilton reappointed for second term



Congratulations to Manitoba Ombudsman Irene Hamilton who was reappointed for a second term as Manitoba's Ombudsman effective March 31, 2011.

In Manitoba, the Ombudsman is appointed by the Lieutenant Governor in Council on the recommendation of the all-party Standing Committee of the Assembly on Legislative Affairs. The Ombudsman is appointed for a term of 6 years and may be reappointed for a second term of 6 years. The Ombudsman Act establishing the position and the office was passed in 1970. Irene was first appointed March 31, 2005. She is Manitoba's 4th Ombudsman.

Access and Privacy: 2011 Systemic Investigations and Audits

In 2010, the Access and Privacy Division began to conduct audits about the access practices of public bodies, under our initiative called the FIPPA Access Practices Assessment. A report to the public (2010 Access Practices of the Workers Compensation Board; Manitoba Justice; The University of Manitoba; Manitoba Hydro; and Manitoba Innovation Energy and Mines - Audit Report under Section 49 of The Freedom of Information and Protection of Privacy Act) about the five 2010 audits was released in January 2011 and is available on our website. In that report, the Ombudsman made recommendations to four of the five public bodies that were audited. This summer, the four public bodies that received recommendations will be subject to a follow-up audit in relation to the recommendations that were made.

Recently we began our FIPPA Access Practices Assessment for 2011. This year instead of

auditing five public bodies, we are auditing the City of Winnipeg. The audit will assess the access practices of the City through a review of the completed 2010 FIPPA files where access was refused. As with our 2010 audits, the main categories of review are compliance with section 12, compliance with time requirements, adequacy of records preparation, and adequacy of the contents of the FIPPA file. A report to the public will be released by the end of the year.



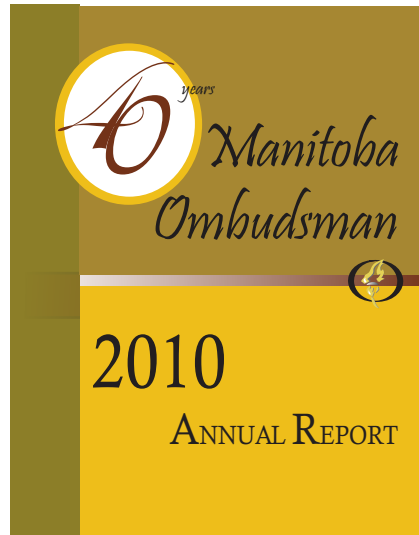
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2010 Annual Report

Always interesting reading, the Manitoba Ombudsman's [2010 Annual Report](#) was released on June 2, 2011. In the Access and Privacy Division's report, read about a complaint regarding the Manitoba Labour Board's practice of publishing names and other personal information on its website. While the Board did not initially agree with the Ombudsman's recommendation that personal information be routinely masked, it subsequently advised that it had in fact established new privacy guidelines that would mask the identity of any applicant or other individuals referenced in its Orders or Reasons for Decisions. The Access and Privacy Division also initiated an investigation into the use of surveillance cameras in the RM of La Broquerie's municipal office. The Ombudsman provided suggestions to the RM that focus on alternative measures that are less privacy-intrusive yet still beneficial to enforcing law, preventing crime, and providing a safe and secure environment for employees. The list of suggested safeguards is included in the report.

In the Ombudsman Division's report, a number of complaints are highlighted where investigators

were able to achieve some kind of resolution for complainants, including the decision of Legal Aid to waive a discretionary increase in fees that it had applied to one of its client without notice, the agreement of the Manitoba Disaster Assistance Appeal Board to re-hear a matter because sufficient information about the hearing process was not provided to an individual appearing before the Board, and the agreement of the RM of Strathcona to adjust a portion of total fees levied to a resident in response to a custom snow clearing request. Also highlighted is an unresolved case involving Anishinaabe Child and Family Services (ACFS) and First Nations of Southern Manitoba Child and Family Services Authority (the Southern Authority). In this case, foster parents followed a legislated appeal process and at the end of the process, an independent adjudicator determined that children who had been removed from the foster parents' home should be returned to the home. ACFS and the Southern Authority refused to comply with the adjudicator's decision, yet there is no provision in the legislation that would permit a party to the appeal process to overturn an independent adjudicator's decision on the basis of disagreement.



Update on eChart Manitoba

In the 2010-4 issue of OmbudsNews, we noted that the first phase of eChart Manitoba had gone live at three sites in the week of December 6, 2010. eChart Manitoba is part of Manitoba's electronic health record (EHR) system, that currently is being built. Once fully implemented, eChart Manitoba will provide a lifetime record of an individual's key health history, available electronically to authorized health care providers (users) anytime, anywhere in Manitoba.

Currently, authorized users of eChart can view prescriptions dispensed through retail pharmacies in Manitoba since April 2010, child immunizations since 1980, adult immunizations since 2000 and test

results from Diagnostic Services Manitoba (Winnipeg location), Diagnostic Services Manitoba Brandon (Westman) laboratory and Unicity Laboratory (Kingsford location).



Currently, there are 14 sites around Manitoba where authorized users can view this patient information through eChart. These sites are posted by Manitoba eHealth on a list that continues to be updated at www.connectedcare.ca/echartmanitoba/index.html

By July 2011, it is expected that eChart

will be available to authorized users at 30 sites across Manitoba. For more details on eChart Manitoba, including available processes should you want to mask (hide) your personal health information on eChart, see who has viewed your information through eChart, or to access your personal information available through eChart, refer to the above website or phone eChart Manitoba Services at 1-855-203-4528.

For items prepared by our office on eChart Manitoba, see our [2010-4 newsletter](#), our December 6, 2010 news release and fact sheet, "[10 Points to Know about eChart Manitoba, Part of Manitoba's Electronic Health Record \(EHR\) System](#)" and pages 34-35 of our [2010 Annual Report](#).



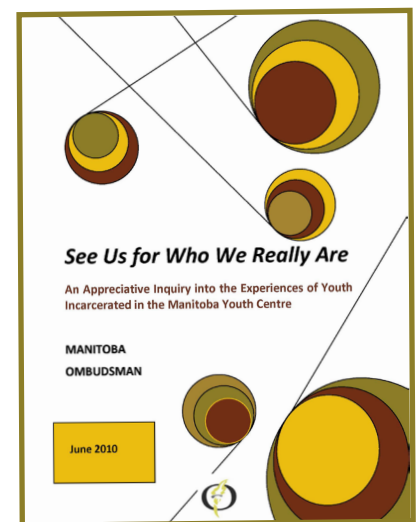
Rights of Youth: Disability

The newest pamphlet in the Rights of Youth series was released in April. [Rights of Youth: Disability](#) offers easy to read, practical information for youth with mental or physical disabilities, including information on education, transportation, entertainment and employment. The publication is available on our website in the "Rights of Youth Pamphlets" section of the Ombudsman Division. Two other Rights of Youth publications were updated - [You and School](#) and [Criminal Justice](#). The popular series is published jointly by our office, the Manitoba Human Rights Commission, and the Office of the Children's Advocate.

Appreciative Inquiry II

Sometimes it helps to focus on what's good, rather than on what's not so good. Back in 2008, we partnered with a graduate student from the Faculty of Social Work in an appreciative inquiry - a process that focuses on identifying successes and on figuring out what made those successes possible. Further, it focuses on using that information to improve systems. In 2009, we published [In Their Own Words: An Appreciative Inquiry into the Experiences of Youth in Foster Care](#).

In 2010, we engaged in another appreciative inquiry, this time in partnership with a University of Winnipeg student. The final report of that project, [See Us for Who We Really Are: An Appreciative Inquiry into the Experiences of Youth Incarcerated in the Manitoba Youth Centre](#), is available on our website in the "Publications" section of the Ombudsman Division.



Introduction to FIPPA Sessions for Local Public Bodies

The Access and Privacy Division of our office is once again participating in the delivery of introductory sessions to local public bodies, including municipal governments, school divisions, universities and colleges, about The Freedom of Information and Protection of Privacy Act (FIPPA). These sessions are being offered by the Information and Privacy Policy Secretariat of Manitoba Culture, Heritage and Tourism, the department responsible for the administration of FIPPA.

This half-day session will provide information to assist in responding to access to information requests and in protecting personal information under FIPPA. A representative from the Secretariat will discuss the main concepts of freedom of information, including the right of access, the application process, applying exceptions to disclosure, and key definitions. The principles of privacy protection and obligations under FIPPA will also be explored. A representative from our Access and Privacy Division will discuss the types of matters we can investigate under FIPPA, the responsibilities of a public body during an investigation, the Ombudsman's proactive role, and resources available to assist in complying with FIPPA. This session is being offered to Access and Privacy Officers and Coordinators in local public bodies.

The same session will be offered on two alternate dates, October 13 and 27. Email Melanie.Dorward@gov.mb.ca for details or to register.



Out and About



Law Day

A young visitor joined Ombudsman staff at Law Day, April 17, in Brandon. Office staff also participated in Winnipeg Law Day events.

Municipal training

Newly elected municipal officials (and some returning) participated in a training seminar in Gladstone hosted by Local Government and AMM. Ombudsman staff presented at all nine municipal officials seminars around the province.



Northwest trip

Ombudsman staff visited University College of the North in The Pas where they spoke to students about the role of the Ombudsman. The team was also in Flin Flon, Swan River, and Dauphin, visiting with Friendship Centres in all locations, and Correctional Centres in The Pas and Dauphin.



Upcoming Events

- September 21: Brown Bag Talk (topic to be determined)
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 to 12:50 p.m. Please note there are no talks scheduled in June, July and August.
- September 26 - 30: Right to Know Week
- October 13 and 27: FIPPA: An Introduction for Access and Privacy Coordinators and Officers in Local Public Bodies
Email Melanie.Dorward@gov.mb.ca for details or to register.

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