

# Manitoba OmbudsNews

2011-3

*Ombudsman, Access and Privacy Newsletter*



## Investigation Reports on Access and Privacy Website

In access and privacy cases where the Ombudsman has made recommendations, both *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA) require, as of 2011, that recommendations be made available to the public. Until now, Ombudsman recommendations have been reported on in case summaries in the office's annual report. While such summaries will still be published annually, full investigation reports will also be published on the Manitoba Ombudsman website.

In our first release of reports, five investigation reports with recommendations made under FIPPA have been posted. Recommendations were made to the following public bodies:

- Crown Corporations Council
- Manitoba Conservation
- Manitoba Family Services and Consumer Affairs
- Manitoba Public Insurance



Each investigation report contains a summary of the entire report, the original report with the Ombudsman's recommendations, and a summary of the public body's response to the recommendations.

We will continue posting investigation reports with recommendations as they are completed. In the future, we will also post selected investigation reports where recommendations were not made to illustrate how specific provisions of the Acts are applied.

## Right to Know Week Recap

For the sixth year, the Manitoba Ombudsman's office joined with other information and privacy commissioner offices from across the country to celebrate Right to Know Day on September 28 and Right to Know Week from September 26 to September 30, 2011. Right to Know acknowledges an individual's democratic right of access to government-held information and promotes the benefits of open, accessible, and transparent government.



*Mayor Shari Decter Hirst signs Brandon's Right to Know proclamation. From left: Scott Hildebrand, City Manager, Ian Richards, Records and Information Manger/Access and Privacy Officer, Mayor Shari Decter Hirst, Manitoba Ombudsman Irene Hamilton*

We are pleased to recognize those governments that proclaimed Right to Know Week, publicly demonstrating their commitment to upholding an individual's right of access to government information. In 2011, the Province of Manitoba and the cities of Brandon, Dauphin, Flin Flon, Portage la Prairie, Selkirk, Thompson and Winkler made proclamations.

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## International Conference of Information Commissioners

On October 5 and 6, 2011, Irene Hamilton moderated a panel discussion and participated in a meeting of Information Commissioners at the 7th International Conference of Information Commissioners, held this year in Ottawa. The conference was co-hosted by the Office of the Information Commissioner of Canada and the Canadian Bar Association, which held its annual information and privacy conference on October 4, this year focusing on privacy.



Stephen Lewis invited access to information professionals to see their efforts as “exalted work” and not an administrative exercise.

Presenters at the international access to information conference featured oversight authorities, information administrators and access applicants from such jurisdictions as Ireland, Germany, India, Australia, Brazil, Chile, Serbia and Mexico. It was evident that although legislation and government commitment to access varies, the principles of maximum access with limited exceptions are the same worldwide.

A prevailing theme was that access to information is rooted in human rights - that it underpins all other human rights and is implicit in freedom of speech and expression. Access to information is a tool of accountability to determine if government is fulfilling its promises. It is a tool of empowerment, demystifying government processes for the individual.

Special guest President Jimmy Carter (via video) reminded conference attendees that access to information is not only a right to be promoted, but a right to be protected. Keynote speaker

Another theme of the conference was the benefits of “open government,” the release of information by government proactively (pushing information out) rather than reacting to an access to information request (pulling information out). New technologies enable information to be made available in a format that is no-cost to the user and can be adapted and reused. This will not altogether replace individual access requests. Not all information interests of the public can be anticipated and personal information could not properly be the subject of open government.

On October 5, 2011 both individual access requests and open government were the subject of an international resolution endorsed in principle by 23 countries, including Canada. To see the resolution, visit:

[http://www.oic-ci.gc.ca/eng/med-roo-sal-med\\_nr\\_cp\\_2011\\_12.aspx](http://www.oic-ci.gc.ca/eng/med-roo-sal-med_nr_cp_2011_12.aspx)

In September 2010, Canada’s Access to Information and Privacy Commissioners, including Irene Hamilton, signed a resolution endorsing and promoting open government at the federal, provincial and territorial levels. Their resolution is available at:

[http://www.ombudsman.mb.ca/pdf/2010-09-01-FPT\\_Whitehorse\\_Resolution\\_Final.pdf](http://www.ombudsman.mb.ca/pdf/2010-09-01-FPT_Whitehorse_Resolution_Final.pdf)





## Winner of 2011 Grace-Pépin Access to Information Award

On October 4, 2011 in Ottawa, the University of Alberta's "Information Access and Protection of Privacy Certificate Program" (IAPP) was the recipient of the inaugural Grace-Pépin Access to Information Award. Designed and delivered for online distance learning, the IAPP is Canada's only post-secondary information rights program. Congratulations IAPP!



The Grace-Pépin Access to Information Award was created to acknowledge those who have made a significant contribution to the promotion of access to information principles. The award is named in honour of John Grace (1927-2009), former Information Commissioner of Canada and Marcel Pépin (1942-1999), president and founder of the Commission d'accès à l'information du Québec.

## eChart Manitoba Update

Since our previous edition of OmbudsNews, we can confirm that eChart Manitoba (part of Manitoba's electronic health record that is being developed) is now available to authorized professionals at 34 sites around the province.

Whether or not you are a patient at a site where eChart is currently available, eChart contains information about you. This includes demographic information and certain information on your dispensed medications, immunizations and possibly lab tests.

Privacy features of eChart Manitoba allow you to control and access your personal health information in eChart.

You can:

- direct that your information in eChart be masked (demographic information cannot be masked), which means your information would be viewable only with your consent or in an emergency
- ask to see who has had access to your information in eChart
- ask to see your information available in eChart

Be your own privacy watchdog by requesting to see your information and asking who has seen it. Forms for making requests, interesting information, and a regularly updated list of participating sites are available on the eChart website at: <http://www.connectedcare.ca/echartmanitoba/index.html>

Forms are also available by calling eChart Manitoba Services at 1-855-203-4528.

## Manitoba hosts Public Interest Disclosure Meeting

On October 18 and 19, 2011, Manitoba Ombudsman hosted colleagues from across the country whose provinces have legislation similar to ours that provides public interest disclosure and whistleblower protection. The meeting was planned to share experience and insight in relation to public interest disclosure schemes currently in effect.



To round out the agenda, we were pleased to welcome Sandra Carney-Yapps, Secretary to the Civil Service Commission Board, who spoke about Manitoba's experience and the experiences of designated officers with *The Public Interest Disclosure (Whistleblower Protection) Act*. Professor Emeritus Paul Thomas spoke about self-evaluation for integrity commissioners and other officers of parliament.

## Out and About

- Manitoba Ombudsman Irene Hamilton attended the National Conference of Information and Privacy Commissioners in Quebec City at the end of August.
- Several Ombudsman staff are participating in the current Circle of Courage series of workshops. The four workshops, called “Helping the Helper: Incorporating Culture into Everyday Organizational Practice”, are intended to provide staff with tools to promote a culturally safe environment.
- Ombudsman staff were invited to speak to two grade six classes at Arthur E. Wright School about government and the role of the Ombudsman, a presentation based on “Joining the Herd”, our school curriculum guide. Ombudsman staff also participated in Manitoba Social Science Teachers’ Association, Special Area Groups of Educators (SAGE) Conference, at Kildonan East Collegiate in Winnipeg.
- An Ombudsman representative presented “Stories on Access and Privacy: Achieving Transparency and Accountability” at the 18th Annual Manitoba Centre For Health Policy (MCHP) Rural and Northern Healthcare Workshop in Winnipeg at the end of October.
- Visit our display booth to meet Ombudsman staff and pick up some of our newly released and revised promotional and educational information materials this fall at the Association of Manitoba Municipalities Annual Convention at the Keystone Centre in Brandon on November 21 & 22.



## Upcoming Events

November 16 & December 14: Brown Bag Talks for Access and Privacy Coordinators and Officers. Please consult our website for topics. Call 982-9130 for details or to register.

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