

Manitoba OmbudsNews



Ombudsman

Access and Privacy Newsletter

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Achieving Fairness guide released

Achieving Fairness: Your Guide to Dealing with Government was produced by Manitoba Ombudsman to help resolve problems or disagreements that may arise for some of us when accessing provincial or municipal programs and services.

Most of us use government programs or services on a regular basis, including services such as hydro, Autopac, transit, health care, building permits, and many others. Given the frequency of our interactions with government, disagreements are bound to occur. This guide is intended to provide information and practical advice on how to deal with these disagreements in a constructive and proactive manner.

The 28-page guide is divided into four parts:

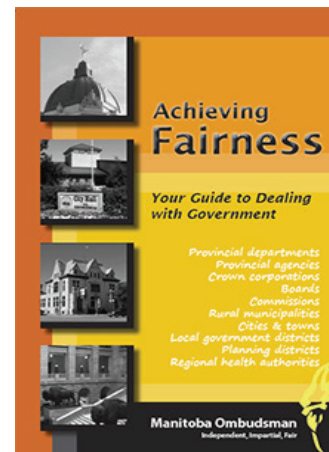
Fairness - introduces the principles of fairness using the “fairness triangle” model, which can be useful in objectively determining if a particular action or decision is fair.

Government decision making – explains some of the different ways in which government decisions are generally made.

Solving problems on your own - provides practical problem solving advice, including tips on how to approach problem solving in person, via telephone, or in writing.

The Ombudsman - provides an overview of the Ombudsman’s jurisdiction and complaints investigation process for when people are unable to resolve problems on their own.

The guide is available on our website. Print copies are available by calling 204-982-9130 or 1-800-665-0531.



In 2009 Manitoba Ombudsman produced *Understanding Fairness: A Handbook on Fairness for Manitoba Municipal Leaders*, which provided fair decision making tools and tips for municipal leaders and administrators. The popular handbook is still frequently requested and will be updated for a third printing early in the new year.

Data Privacy Day, January 28, 2013

Recognized by privacy professionals, corporations, government officials, academics and students around the world, Data Privacy Day highlights the impact that technology is having on our privacy rights and underlines the importance of valuing and protecting personal information. Once again, the Office of the Privacy Commissioner of Canada will be

producing a series of three bilingual posters highlighting this year’s theme: **Take control of your information. Don’t let it come back to haunt you!** The posters will be available in January. Watch our website at www.ombudsman.mb.ca for more information and Data Privacy Day updates.

Guard your card



Most banks and other financial institutions issue credit and debit cards with radio frequency identification (RFID) chips that contain our personal information. Many of these cards are “contactless” to help

speed small financial transactions. With contactless cards, we can wave or tap our card on or near a store’s payment terminal and our transaction will automatically be processed without the need to provide a signature or enter a personal identification number (PIN).

While this technology makes it easier for us to pay for purchases, it also makes it easier for hackers or electronic pickpockets to obtain our personal information. With a simple

downloaded application, hackers can use their smartphones or tablets to read the information contained on our cards, including our name, credit card number, CVV (the 3-digit number on the back of a card), and the card’s expiry date.

If your card displays the contactless card symbol (a series of curved lines) or has a phrase like PayPass, Speedpass, payWave, or ExpressPay, your card is one that can be waved or tapped to make a payment. If you are not certain if you have a contactless card, contact your bank or other financial institution for clarification.

To mark Data Privacy Day on January 28, 2013, Manitoba Ombudsman is producing “ID shields” to help protect against identify theft and fraud. These card sleeves will be distributed at various events in 2013. Or if you would like us to send you one, please call 204-982-9130 or email ombudsman@ombudsman.mb.ca with your request.

Bill 4, The Personal Health Information Amendment Act – Proposed Changes for Offences

In our last newsletter, we reported on a privacy breach investigation under *The Personal Health Information Act* (PHIA) relating to snooping in electronic health information, as follows:

This type of unauthorized use of personal health information, or ‘snooping’ as it is commonly known, poses significant risks for privacy in our increasingly digital and networked world where information may be available at the click of a mouse to large numbers of people. However, an employee’s snooping or any other willful unauthorized use of personal health information would not be considered an offence under PHIA, in contrast to a willful unauthorized disclosure of the same information, which would be an offence. In recognition of what appeared to be a shortcoming in the legislation, we asked Manitoba Health to consider whether it would be appropriate to amend PHIA in order to better protect the privacy of Manitobans, and to provide strong sanctions to deter snooping and any other unauthorized use of personal health information. Manitoba Health agreed to review the sanctions available under PHIA in light of the concerns we raised.

Further to Manitoba Health’s review of this matter, on November 21 the Minister of Health introduced Bill 4. The Explanatory Note in the Bill describes the proposed changes:

In a July 2012 report, the Manitoba Ombudsman commented that The Personal Health Information Act does not make it an offence for a person to gain unauthorized access to another person’s personal health information. This Bill creates such an offence.

The Bill also makes it an offence to falsify another person’s personal health information.

To see the proposed amendments to PHIA, Bill 4 can be found at <http://web2.gov.mb.ca/bills/40-2/b004e.php>

An Update about eChart Manitoba

eChart Manitoba, part of Manitoba’s electronic health record system, brings together patient information about every Manitoban that is collected at different points of care in the province, for example, pharmacies, clinics and labs. eChart was launched at three health care locations in December 2010 and as of November 30, 2012, has expanded to 90 locations, such as clinics and hospitals, with 3322 authorized users.

We released an updated fact sheet, “10 Points to Know about eChart

Manitoba” on December 7 to remind everyone about how you can exercise some control over your personal health information in eChart. For example, you can request a copy of the *Record of User Access* to see who has viewed your information in eChart because each user has a unique username and password to access the system and all access to eChart is logged (recorded). You can also request access to your personal health information contained in eChart, or make a request to hide your personal health information in eChart by completing a disclosure

directive form. Our “10 Points” fact sheet provides information about how you can exercise these options and includes links to the forms available on eChart Manitoba’s website.



Manitoba Ombudsman to host two access and privacy conferences in May 2013

Manitoba Access, Privacy, Security and Information Management Conference: Making Connections

Information is at the core of services and programs provided by public bodies and health trustees, whether it is general information and personal information governed by *The Freedom of Information and Protection of Privacy Act* (FIPPA) or personal health information governed by *The Personal Health Information Act* (PHIA). As a result, access, privacy, security and information management challenges are intertwined with almost everything that public bodies and trustees do.

The theme for this conference, "Making Connections", reflects the interrelationships between information access, privacy, security and information management. For example, successful information management programs support efficient processing of access to information requests and assist in mitigating information security and privacy risks.

This conference is intended for public sector employees in provincial and municipal governments, school divisions, universities, colleges and health care bodies across Manitoba. This includes employees such as access and privacy coordinators, records managers, archivists, policy analysts, human resource professionals and program managers.

The conference will have a series of plenary and breakout sessions over a day and a half on May 13 and 14, with optional workshop sessions in the afternoon of May 14.

Visit www.manitobaconnections2013.ca for more information.



Western Canada Health Information Privacy Symposium (WCHIPS): Meeting the Challenge of Stewarding Health Information

WCHIPS is a collaboration between Manitoba Ombudsman and the offices of the Information and Privacy Commissioners in Alberta, British Columbia and Saskatchewan. It was formerly known as Prairie Health Information Privacy Day when it was previously held in Winnipeg in 2008. WCHIPS will be coming back to Manitoba in 2013 and will be held in Winnipeg on May 15 and 16.

WCHIPS is intended for trustees subject to Manitoba's *Personal Health Information Act* (PHIA), including health professionals and employees who handle personal health information in regional health authorities, hospitals, personal care homes, medical clinics, laboratories and public bodies, as well as anyone governed by health information privacy laws in the western provinces. The theme, "Meeting the Challenge of Stewarding Health Information", will offer practical guidance on building and maintaining successful health information privacy operations, and dealing with privacy issues and challenges, including privacy implications of using technology in service delivery.

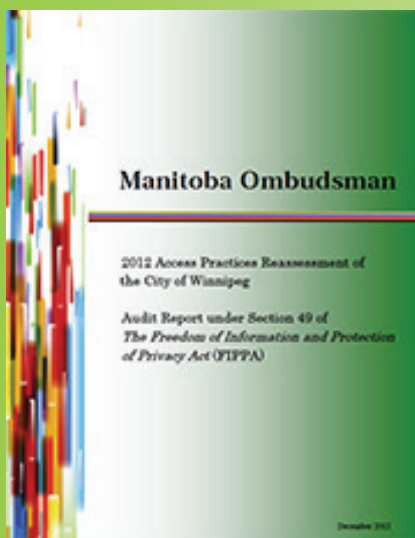
Through a series of plenary and breakout sessions over a day and a half, with a half day of optional workshop sessions, trustees will gain a clearer understanding of health information privacy issues, learn about how individuals and organizations in the four western provinces have successfully addressed common privacy problems and challenges, and develop new insights on potential solutions for their own organization's practices.

Visit www.wchips2013.ca for more information.

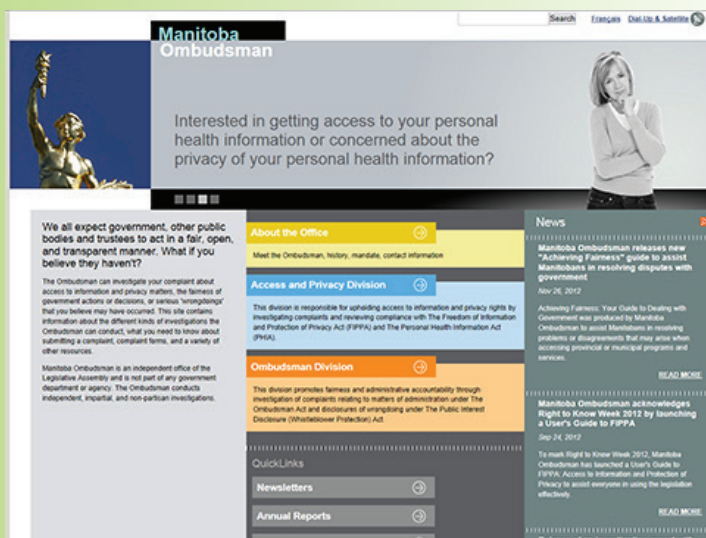


Call for proposals:

Manitoba Ombudsman is working with Advisory Committees made up of experienced staff representing Manitoba public bodies and trustees and Verney Conference Management to develop the agendas for the conferences. To ensure the program is current and relevant, the Committees are inviting proposals for plenary, breakout and workshop presentations. The deadline for submitting a proposal is Friday, January 18, 2013. Details about how to submit a proposal and an online submission form can be found on the conference websites.



New report! 2012 Access Practices Reassessment of the City of Winnipeg



Under Construction! Watch for Manitoba Ombudsman's new website in early 2013

Upcoming Events

January 28, 2013	Data Privacy Day
February 20, 2013	Brown Bag Talk for Access and Privacy Coordinators and Officers. Please consult our website for topic. 12:05 - 12:50 p.m., our office. Call 982-9130 for details or to register.
May 13-14, 2013	Access, Privacy, Security and Information Management Conference - Making Connections, www.manitobaconnections2013.ca
May 15-16, 2013	Western Canada Health Information Symposium (WCHIPS), www.wchips2013.ca



Manitoba Ombudsman: Ombudsman and Access and Privacy Divisions

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