



# Manitoba Ombudsman

## 2012

## Annual Report under **The Freedom of Information and Protection of Privacy Act** and **The Personal Health Information Act**

Upholding your Access and Privacy Rights in Manitoba

The Honourable Daryl Reid  
Speaker of the Legislative Assembly  
Province of Manitoba  
Room 244 Legislative Building  
Winnipeg, MB R3C 0V8

Dear Mr. Speaker:

In accordance with subsection 58(1) of *The Freedom of Information and Protection of Privacy Act* and subsection 37(1) of *The Personal Health Information Act*, I am pleased to submit the Annual Report of the Ombudsman for the calendar year January 1, 2012 to December 31, 2012.

Yours truly,

Mel Holley  
Acting Manitoba Ombudsman

### About the office

Manitoba Ombudsman is an independent office of the Legislative Assembly and is not part of any government department, board or agency. The office has a combined intake services team and two operational divisions - the Ombudsman Division and the Access and Privacy Division.

Under *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA), the Access and Privacy Division investigates complaints from people about any decision, act or failure to act relating to their requests for information from public bodies or trustees, and privacy concerns about the way their personal information or personal health information has been handled. "Public bodies" include provincial government departments and agencies, municipalities, regional health authorities, school divisions, universities and colleges. "Trustees" include public bodies and additional entities such as health professionals, medical clinics, laboratories and CancerCare Manitoba. Our office has additional powers and duties under FIPPA and PHIA, including auditing to monitor and ensure compliance with these Acts, informing the public about the Acts and commenting on the implication of proposed legislation, programs or practices of public bodies and trustees on access to information and privacy.

Under *The Ombudsman Act*, the Ombudsman Division investigates complaints from people who feel they have been treated unfairly by government, including provincial government departments, crown corporations, municipalities, and other government bodies such as regional health authorities, planning districts and conservation districts. The Ombudsman Division also investigates disclosures of wrongdoing under *The Public Interest Disclosure (Whistleblower Protection) Act* (PIDA). Under PIDA, a wrongdoing is a very serious act or omission that is an offence under another law, an act that creates a specific and substantial danger to the life, health, or safety of persons or the environment, or gross mismanagement, including the mismanagement of public funds or government property.

### Message from the Ombudsman



As a new Acting Ombudsman I was struck by the breadth of our statutory mandate relating to access and privacy matters, going well beyond the familiar role of ombudsmen in investigating complaints from the public. In addition to

the authority to receive and investigate complaints about access requests or privacy breaches, *The Freedom of Information and Protection of Privacy Act* imposes upon the Ombudsman broad duties around monitoring compliance with the legislation, informing the public about access and privacy laws, conducting or commissioning research, receiving public comment on the administration of the law, and commenting on the implications of proposed legislative schemes or programs and on the use of information technology in the collection, storage, use or transfer of personal information.

All of this is in addition to the traditional power to consult with government and make case specific recommendations. These tools are essential to the effective functioning of an oversight office when the environment in which we work is affected continuously by changing technologies and expectations.

In different ways I exercised much of that broad mandate in 2012, including consulting with government about privacy matters and recommending a legislative change to further protect our health information from "snoopers." This issue arose in a case involving CancerCare Manitoba, already reported on publicly, where we also made recommendations to strengthen the security safeguards for health care records in electronic form. The response of both Manitoba Health and CancerCare was timely and impressive, demonstrating a deep commitment to protecting the privacy of our health information.

We also issued our first public report on a case relating to amendments made to FIPPA in 2011 that allow public bodies to disregard an application for access under FIPPA in specific circumstances permitted by law. The amendments in question impose a requirement that people using the access to information system behave reasonably or risk having their application disregarded. As the case demonstrated, achieving reasonableness is a work in progress. I hope that we contributed to the work not only by investigating and deciding upon the correctness of the decision made by the public body in this case, but also by offering some guidance from an oversight office on what we think is reasonable in such cases. A summary is included in this report, and the full report is available on our website.

To assist Manitobans in understanding and exercising their rights under FIPPA, we prepared *A User's Guide to FIPPA*. This practical guide to using FIPPA effectively contains information about what the legislation says as well as tips on how to address privacy concerns and how to use the systems in

place to gain access to information. The *User's Guide to FIPPA* is a companion publication to a previously published *Guide to The Personal Health Information Act*.

To assist both the public and public bodies and trustees we decided in 2012 that starting in the new year we would post most of our reports on our recently updated and reorganized website. Until now we have only posted reports with recommendations. Posting all significant reports will assist the public, as well as public bodies and trustees subject to FIPPA and PHIA, to understand how we interpret and apply the legislation. We hope that these reports will be another tool, along with the Practice Notes available on our website, to assist in the effective and efficient functioning of the access and privacy system.

We live in an age when technology changes faster than law can be made or reasoned public policy developed. Much work remains to be done through informing the public about privacy matters and engaging law and policy makers in discussions about how we can protect our privacy in this age. We continue to make efforts to engage the public through publications and access and privacy events such as Data Privacy Day and Fraud Prevention Month. This is also why we sit on numerous provincial and national bodies speaking on behalf of the public interest in protecting our privacy. We do not see privacy and technology as being at war, or even incompatible with each other. Nor do we believe there is a "race" between technology and privacy, but rather that an awareness of and respect for privacy is essential to achieving all that is positive and beneficial in our advancing technology. Delivering that message will continue to be a priority in the new year.

On a personal note, I must admit that at the beginning of the year I approached the access and privacy part of the Ombudsman role with some trepidation. I am both gratified and pleased to report that my trepidation was alleviated in no small part by the tremendous support I received from the entire Access and Privacy Division, and in particular from the Access and Privacy management team. Their knowledge and expertise, along with their patience and willingness to share their experience and support me in my role, has made the job a pleasure.



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Brandon, MB R7A 0L5  
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On the web:  
[www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)  
[www.facebook.com/manitobaombudsman](http://www.facebook.com/manitobaombudsman)

## Cases of Interest

As an oversight office, Manitoba Ombudsman receives and investigates complaints. As part of our complaints investigation mandate we interpret statutes, make findings, and on occasion, issue formal recommendations. But much of our work involves trying to find resolutions to complaints – solutions that can work for complainants and public bodies/trustees that are within both the letter and the spirit of the legislation. Achieving resolutions based on consensus requires that we be thorough in assessing the facts and correct in our interpretation of the law, but it also requires effective communication skills and reasonableness on the part of the parties. When this process works, we categorize the complaint as “resolved.”

### A Reasonable Fee Estimate

In one such case in 2012 a person complained to our office about a public body’s estimate of fees for responding to a request under *The Freedom of Information and Protection of Privacy Act* (FIPPA). The complainant knew that the public body maintained a database of case information and wanted to obtain a report categorizing the cases by criteria such as locations and outcomes. The complainant had obtained a similar type of report at no cost from a different organization, and wondered why there would be a significant fee for the public body to produce a similar report.

To get to the heart of the matter, our investigator went to the public body’s office to learn about the operation and reporting capabilities of the database, and how and why case information was categorized and tracked in the database. It became evident that the database reporting options were limited and could not generate the data in the format that the complainant was looking for. Generating the data in the format requested by the complainant would have meant either manually compiling information from individual paper-based files, or incurring charges for computer programming to develop a reporting tool that could retrieve the information in question. Our investigator was able to see firsthand how much time it took to compile information from a representative sample of the records, and could see that the public body had likely under-estimated the fees.

After the meeting, our investigator was able to provide the complainant with a detailed explanation of how the public body had calculated the fees, and why we felt the fees were reasonable and in accordance with FIPPA. The complainant was satisfied with the thoroughness of our review and considered her complaint to have been resolved.

Our investigators are able to resolve many complaints in this manner, by helping complainants and public bodies/trustees to better understand each other’s considerations and issues, and how the legislation applies to each situation.

### Privacy Complaints Supported with Recommendations

We received complaints under *The Personal Health Information Act* (PHIA) about a breach of a patient’s privacy at CancerCare Manitoba (CancerCare). The complainant’s child received health care at CancerCare and the complainant had learned that an acquaintance who worked at CancerCare had looked at her child’s personal health information in CancerCare’s electronic medical record (EMR), although the employee was not involved in providing care to the child. The complainant was concerned not only about the unauthorized viewing (use) of her child’s personal health information, but also about the security measures employed by CancerCare to protect personal health information in its EMR system.

The first step in a privacy complaint investigation by our office would usually be to confirm whether personal health information had been collected, used or disclosed in a way that was not authorized under PHIA. In this case, CancerCare had already confirmed to the complainant that the employee did not need to know the information. As a result, our investigation and report were largely focused on what happened after discovery of the unauthorized use, as well as on the means by which CancerCare protected the personal health information.

At the conclusion of our investigation, we made several recommendations to CancerCare, aimed at strengthening the protection of personal health information in its care, and promoting greater communication with individuals affected by a breach of their privacy. CancerCare accepted all of the Ombudsman’s recommendations. It is developing a formalized plan for auditing the use of personal health information in its EMR, and has commenced a project to carefully review the access privileges of all employees that use the EMR system, to ensure that personal health information of patients is available to only those employees that need to see the personal health information to do their jobs.

PHIA contains a provision making it an offence for an employee of a trustee to wilfully disclose personal health information in circumstances where disclosure by the trustee is not authorized. Our investigation highlighted for us that there was no similar provision for a wilful unauthorized use (or viewing) of personal health information. The Ombudsman brought this discrepancy to the attention of the Minister of Health, and on November 21, 2012, a bill was introduced to amend PHIA, to ensure that sanctions will be similar, regardless of whether the personal health information is disclosed, used, or viewed.

Our full report in this matter is also available on our website.

### Unreasonable Use of the Act – Complaint Not Supported

Not every case can be resolved. Complaints not resolved can be categorized as either “supported”, “partly supported” or “not supported.” We rely upon our investigative findings and on our interpretation of the legislation to determine whether we can support a complaint. But even when cases are determined by law and fact, we often find that reasonableness plays a large part in our investigative process. This was particularly true for one “not supported” case we dealt with in 2012, our first substantive case involving amendments specifically designed to address the balance between the right of access and the impact of large or frequent applications on those required to provide access. Because this was the first instance where we had considered these provisions, we published our full investigation report on our website.

Amendments to subsection 13(1) of FIPPA, which came into effect on January 1, 2011, allow a public body to disregard an application for access to records in some circumstances. In 2012, an applicant submitted 161 access applications to the Town of Neepawa (the Town) on one day. The Town relied on subsection 13(1) of FIPPA to disregard the applicant’s requests. As a result, the applicant made a complaint to the Ombudsman.

The Town took the position that the applications were all repetitious in nature, and observed that the applicant had abandoned prior applications for similar information, by not responding to fee estimates he had been given. The Town also described the volume and pattern of requests as vexatious. Overall, the Town’s view was that clauses 13(1) (a) and (b) authorized the

decision to disregard the requests.

As part of this investigation, we reviewed the amendments with the Town, advising them that while the section could be considered in circumstances like these, they were required to explain how the provisions applied in these specific circumstances. The Town explained that the package of 161 applications was part of a series of 226 requests made by the applicant over a seven-week period. The majority of the requests asked for all e-mails to and from various employees of the Town. The applicant wanted all e-mails for every day in specified time periods, regardless of the subject matter of the e-mails.

Our investigation determined that 22 of the 161 applications were repetitious, and all of the applications were systematic in nature. Responding to all 161 applications would have interfered unreasonably with the operations of the Town. We concluded that the Town’s decision to disregard the requests was authorized under clause 13(1)(b) of FIPPA and the complaint was not supported.

The authority for public bodies to disregard applications for access under subsection 13(1) increases the obligation on applicants to exercise their access rights responsibly, in order that they do not interfere unreasonably with the operations of a public body. This balancing of rights and responsibilities should promote greater cooperation between applicants seeking access to records and public bodies attempting to meet their obligations under FIPPA. In our report on this case we discussed the balancing that is required to ensure that the exercise of the fundamental right of access under FIPPA is not infringed upon without sufficient justification.



### Responding to Privacy Breaches

A privacy breach can occur any time personal or personal health information is not adequately safeguarded or has been collected, used or disclosed without legal authority under FIPPA and PHIA.

When a breach occurs, it is crucial to respond immediately to address the breach. Our office has Practice Notes to assist in managing privacy breaches. The Practice Note titled *Key Steps for Responding to a Privacy Breach under FIPPA and PHIA* outlines four key steps:

1. Contain the breach
2. Evaluate the risks associated with the breach
3. Notify affected individual and others
4. Prevent future breaches

We also have a Practice Note on *Reporting a Privacy Breach to Manitoba Ombudsman*. There is no requirement in FIPPA or PHIA to report a breach to our office but in doing so, we can provide guidance to assist a public body or trustee in managing a breach.

In 2012, we received 12 reports from public bodies and trustees about privacy breaches. Some examples of types of breaches reported to our office were thefts of paper records and laptops from a vehicle and from offices, and disclosures of third parties’ information inadvertently included in packages of records sent to other people.

## Data Privacy Day and Right to Know Week

Recognized by privacy professionals, corporations, government officials, academics and students around the world, **Data Privacy Day**, held every January 28, highlights the impact that technology is having on our privacy rights and underlines the importance of valuing and protecting personal information. To promote the day, Manitoba Ombudsman distributed a series of bilingual posters produced by the Office of the Privacy Commissioner of Canada. The posters were based on the 2012 theme, "Less is more. Some things are better left unshared."

For the seventh consecutive year, Manitoba Ombudsman joined other information and privacy commissioner offices around the country in marking international **Right to Know Day** on September 28 and national **Right to Know Week**, September 24 to 28, 2012. 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.

In addition to launching the *User's Guide to FIPPA* during Right to Know week, Manitoba Ombudsman acknowledged those governments that publicly demonstrated their commitment to upholding an individual's right of access to government-held information by proclaiming Right to Know Week 2012. Governments that issued proclamations included the Province of Manitoba and the cities of Brandon, Dauphin, Flin Flon, Portage la Prairie, Selkirk, Thompson and Winkler.



Acting Ombudsman Mel Holley joined Brandon Mayor Shari Decker Hirst for the signing of Brandon's Right to Know proclamation.

## Charting the Future of Electronic Health Records

In addition to conducting investigations and audits, the Ombudsman's proactive role under FIPPA and PHIA includes commenting on the privacy and access implications of proposed programs of public bodies and trustees and commenting on the implications for the protection of privacy of using technology to collect and share personal and personal health information. An example of this is in the area of electronic health records (EHRs) in which the rapid pace of technological change has significantly altered the way that personal health information is collected, used and shared.

The implementation of EHR systems affects all Manitobans. In particular eChart Manitoba is a part of Manitoba's EHR system that brings together personal health information collected at different points of care in Manitoba, for example, pharmacies, clinics and labs (see our fact sheet on "10 Points to Know about eChart Manitoba"). Authorized users of eChart are able to search, view and print patients' key health information contained in eChart. Personal health information that is collected, used or disclosed by Manitoba trustees is subject to *The Personal Health Information Act* (PHIA), which sets out a right of access to one's own health information and privacy obligations

for trustees to protect the information.

To keep informed of EHR developments, our office has a representative on two provincial EHR-related committees. The Manitoba Privacy and Security Advisory Committee is responsible for providing recommendations on privacy and security matters related to eChart and other Manitoba eHealth provincial projects. The eChart Manitoba Advisory Committee provides advice and recommendations on the development and enhancement of eChart Manitoba.

Ultimately, Manitoba's EHR system will be compatible with similar systems being built in other provinces and territories so that different EHR systems will be able to share information across the country when necessary to provide health care. The Canada Health Infoway Privacy Forum is a mechanism to deal with the rules and legal and practical requirements involved in handling personal health information in a privacy-protective manner in a Canada-wide interoperable EHR. The Forum is comprised of representatives of federal/provincial/territorial departments of Health and offices with oversight responsibility for health privacy legislation, including our office.

## Reaching Out

During 2012 we reached out in a variety of ways to provide information about access and privacy rights of Manitobans, obligations of public bodies under FIPPA and trustees under PHIA, and about our role under the Acts.

To mark Right to Know Week, we published a *User's Guide to FIPPA* that provides information to the public to assist in understanding and exercising their rights under the Act. The guide outlines the access application process and provides tips for requesters, as well as explains how public bodies must protect personal information. The guide also contains information about making access or privacy complaints to the Ombudsman.

We produced an updated fact sheet for Manitobans on "10 Points to Know about eChart Manitoba," part of our provincial electronic health record system. eChart Manitoba brings together patient information collected at different points of care across the province, for example, pharmacies, clinics and labs. Personal health information contained in eChart can be searched, viewed and printed by authorized users. Our fact sheet provides information about eChart and it outlines how to exercise access rights and control personal health information in eChart.

We made a presentation on access and privacy rights in Manitoba at the Community Legal Education Association's Law Conference on Your Rights: Privacy, Access to Information, Copyright, Technology, Internet Safety, and Identity Theft. Our presentation provided information about FIPPA and PHIA and about access rights and privacy protection under the Acts.

We participated in a PHIA Privacy Day organized by the Regional Health Authority of Central Manitoba and held at the Boundary Trails Health Centre in Winkler. We gave a presentation on the topic of protecting personal health information, which highlighted some privacy pitfalls and best practices to avoid them.

For the third year, we participated with the Information and Privacy Policy Secretariat, Manitoba Culture, Heritage and Tourism, in presenting an Introduction to FIPPA session for

local public bodies, including educational bodies, local government bodies and health care bodies. This half-day session provided the fundamentals of responding to access to information requests and protecting privacy under FIPPA. There were two sessions held in 2012 – one was held in Brandon with 29 registrants and one in Winnipeg with 46 registrants. Attendees included staff from rural municipalities, cities, towns, a village, planning districts, a conservation district, a community council, regional health authorities, school divisions, a college and a university.

We participated on a panel presentation at Manitoba eHealth's Privacy Seminar for physicians titled "A Practical Approach to Privacy and Security". This seminar focused on improving the understanding of privacy and security requirements for personal health information as set out under PHIA and by the College of Physicians and Surgeons. Our office also made a presentation to a group of pharmacists on the topic of access and privacy obligations and best practices under PHIA.

At the annual Law Day event in Winnipeg, we staffed a booth and talked with the public about the role of the Ombudsman under FIPPA, PHIA, *The Ombudsman Act* and *The Public Interest Disclosure (Whistleblower Protection) Act*. We provided information materials, including brochures, about these Acts and our services. We also staffed a booth at the Association of Manitoba Municipalities' Annual Convention, the Manitoba Social Sciences Teachers' Conference and the Manitoba Centre for Health Policy's Rural and Northern Health Day.

We accepted invitations to speak at Saskatchewan's Access, Privacy, Security and Records Management Forum and at Alberta's Access and Privacy Conference, Western Canada Health Information Privacy Symposium and Health Information Privacy Summit.

During the year we continued to deliver Brown Bag Talks to access and privacy personnel in public bodies and trustees and hosted five talks at our office.

## Systemic Investigations and Audits

In 2012, we continued to conduct audits under our FIPPA Access Practices Assessment program. This program is an audit of a public body's processing of FIPPA applications. Since launching this program two years ago, we have seen that the access practices of public bodies can be and have been strengthened, often with minor adjustments to the process. The audits allow us to be proactive in identifying weaknesses and recommending solutions that can be of benefit to public bodies and ultimately, to individuals who make applications for access under FIPPA.

Each year, different public bodies are audited. The components that are examined in the initial audit are: (1) compliance with the requirements of a response to an applicant under section 12 of the Act; (2) compliance with time requirements of the Act; (3) adequacy of records preparation; and (4) adequacy of the contents of the FIPPA file. These four components are important

because they are the foundation for efficient, thorough and accountable access decisions made under FIPPA. The audit does not assess the correctness of the access decision because applicants can complain about that to the Ombudsman

If weaknesses are identified and recommendations are made by the Ombudsman, a follow-up or reassessment audit is undertaken in the following year to assess compliance with recommendations that were made to the public body.

In June, we released an audit report on the access practices of the Winnipeg Police Service (WPS). The audit found that with an overall performance of 97%, the WPS has an efficient, organized and thorough FIPPA process. It was not necessary to make formal recommendations to the WPS, but some suggestions for further improvement were provided.

Later in the year, a reassessment audit of the City of Winnipeg's access practices was undertaken and a report issued in December 2012. The reassessment audit reviewed the City's performance in implementing the 21 recommendations that were made by the Ombudsman in 2011 and accepted by the City. All but one department successfully implemented the Ombudsman's recommendations in each component. In the 2012 reassessment, the City's overall performance for the components that were assessed was 88%. In comparison to the initial 2011 audit where the City's overall performance for the same component areas was 59%, the 2012 reassessment indicated a substantial improvement in performance.

All of the access practices assessment and reassessment reports are on our website.

This chart shows the disposition of the 313 Access and Privacy cases investigated in 2012 under Parts 4 and 5 of FIPPA and PHIA

Cases carried over into 2012

New cases in 2012

Total cases in 2012

Pending at 12/31/2012

Declined

Discontinued

Not Supported

Partly Supported

Supported

Resolved

Recommendations

Completed

**Supported:** Complaint fully supported because the decision was not compliant with the legislation.

**Partly supported:** Complaint partly supported because the decision was partly compliant with the legislation.

**Not supported:** Complaint not supported at all.

**Recommendation made:** All or part of complaint supported and recommendation made after informal procedures prove unsuccessful.

**Resolved:** Complaint is resolved informally before a finding is reached.

**Discontinued:** Investigation of complaint stopped by Ombudsman or client.

**Declined:** Decision by Ombudsman not to investigate complaint, usually based on a determination that the circumstances do not require investigation.

**Completed:** Cases conducted under Part 4 of FIPPA and PHIA where the task of auditing, monitoring, informing, or commenting has been concluded.

**Pending:** Complaint still under investigation as of January 1, 2013.

		Part 5 of FIPPA				Part 5 of PHIA				
		New	Total	Pending	Declined	Discontinued	Not Supported	Partly Supported	Supported	
		2012	2012	at 12/31/2012						
Provincial Department	Aboriginal & Northern Affairs	1	1						1	
	Advanced Education & Literacy	1	1						1	
	Agriculture, Food & Rural Initiatives	1	1					1		
	Conservation & Water Stewardship	3	4	7	2	2		3		
	Culture, Heritage & Tourism	1	1	1						
	Education	2	2				2			
	Entrepreneurship, Training & Trade	3	3	2				1		
	Family Services & Labour	5	23	28	5	13	6	1	3	
	Finance	1	1				1			
	Health	3	1	4			2			
	Healthy Living, Seniors & Consumer Affairs	3	3	3						
	Housing & Community Development	2	3	5	1	2			2	
	Infrastructure & Transportation	2	1	3		1		1	1	
	Justice	4	4	2			1		1	
	Immigration & Multiculturalism	1	1			1				
	Local Government	1	1					1		
Crown Corporation & Government Agency	Manitoba Agricultural Services Corporation	1	1	1						
	Manitoba Housing Authority	1	2	3	1		1	1		
	Manitoba Hydro	1	7	8	3		1		4	
	Manitoba Public Insurance	1	1	2	1			1		
Water Services Board	1	1					1			
Local Government Body	City of Brandon	2	7	9	3		4	2		
	City of Winnipeg	14	67	81	43	4	27	2	3	
	Town of Churchill	2	2				1		1	
	Town of Lac du Bonnet	3	3	1					2	
	Town of Neepawa	1	13	14			1		13	
	Town of Ste. Anne	1	1	1						
	R.M. of De Salaberry	2	2				1		1	
	R.M. of Franklin	1	1				1			
	R.M. of Siglunes	1	1						1	
	R.M. of Shell River	1	1			1				
	R.M. of Springfield	1	1	1						
	R.M. of Victoria Beach	1	1	1						
Educational Body	Border Land School Division	2	2						2	
	Pine Creek School Division	2	2			2				
	Mystery Lake School Division	1	1	1						
	Red River College	1	8	9	5		3		1	
	Red River Valley School Division	1	1			1				
	Southwest Horizon School Division	2	2						2	
	Swan Valley School Division	1	1			1				
	Turtle River School Division	2	2			2				
	Winnipeg School Division	13	13	1		10			2	
	University of Manitoba	5	5	4			1			
University of Winnipeg	3	5	8	2		3	3			
Health Care Body	CancerCare Manitoba	1	1	1						
	Brandon Regional Health Authority	2	2	1			1			
	Interlake Regional Health Authority	1	1			1				
	Winnipeg Regional Health Authority	6	6	1		1	4			
<b>Subtotal</b>	<b>44</b>	<b>210</b>	<b>254</b>	<b>88</b>	<b>42</b>	<b>61</b>	<b>18</b>	<b>38</b>	<b>5</b>	
Provincial Dept	Justice	3		3					3	
	Health	1	2	3				1	2	
	Health Care Body	Diagnostic Services of Manitoba	1	1	1					
		CancerCare Manitoba	2	1	3	3				
		Medical Clinic	1	2	3				1	2
		Carman Memorial Hospital	1	1						1
		Health Sciences Centre	2	2			2			
		Brandon Regional Health Authority	1	1	1					
		Burntwood Regional Health Authority	2	2					2	
	Winnipeg Regional Health Authority	3	3	2					1	
	Gov Agency	Workers Compensation Board	1	1	1					
Physician	1	5	6			1		4		
Psychologist	1	1						1		
<b>Subtotal</b>	<b>11</b>	<b>19</b>	<b>30</b>	<b>8</b>	<b>3</b>	<b>3</b>	<b>8</b>	<b>8</b>	<b>8</b>	
<b>Part 4 under FIPPA and PHIA</b>										
Provincial Department, Crown Corporation & Government Agency	Agriculture, Food & Rural Initiatives	1	1							1
	Conservation & Water Stewardship	1	1							1
	Health	3	3	1						2
	Healthy Living, Seniors & Consumer Affairs	1	1							1
	Innovation, Energy & Mines	1	1							1
	Justice	2	2	4	3					1
	Manitoba Hydro	1	1							1
	Manitoba Public Insurance	2	3	5						5
Local Public Body	City of Winnipeg	1	2	3	2					1
	R.M. of St. Andrews	1	1							1
	Red River College	1	1							1
	Louis Riel School Division	1	1							1
	University of Manitoba	1	1							1
	Diagnostic Services of Manitoba	1	1							1
Southern Regional Health Authority	2	2	1						1	
Optometrist	1	1	2			1			1	
<b>Subtotal</b>	<b>10</b>	<b>19</b>	<b>29</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>21</b>	<b>46</b>	<b>13</b>	<b>3</b>
<b>Total</b>	<b>65</b>	<b>248</b>	<b>313</b>	<b>103</b>	<b>43</b>	<b>64</b>	<b>21</b>	<b>46</b>	<b>13</b>	<b>3</b>

## ACCESS

Overview of Access Complaints Opened in 2012: 204 new complaints about access matters were opened under Part 5 of FIPPA and PHIA.

Type of Access Complaint	FIPPA	PHIA	Total
Refused access	127	1	128
No response	32	4	36
Request was disregarded	3	NA*	3
Extension	6	NA**	6
Fees	5	1	6
Fee waiver	1	1	2
Correction	1	1	2
Third party contest	1	-	1
Other	16	4	20
<b>Total</b>	<b>192</b>	<b>12</b>	<b>204</b>

Overview of Access Complaints Closed in 2012: 168 complaints under Part 5 of FIPPA and PHIA about access matters were closed.

Type of Access Complaint	FIPPA	PHIA	Total	Declined or Discontinued	Supported in part or in whole	Not Supported	Resolved	Recommendation Made
Refused Access	92	1	93	19	28	41	3	2
No Response	31	4	35	12	21	-	2	-
Request was Disregarded	4	NA*	4	3	-	1	-	-
Fees	5	1	6	1	-	3	2	-
Fee Waiver	1	1	2	-	-	1	1	-
Correction	-	1	1	-	1	-	-	-
Extension	6	NA**	6	5	-	-	1	-
Third Party Contest	1	-	1	-	1	-	-	-
Other	15	5	20	2	5	10	3	-
<b>Total</b>	<b>155</b>	<b>13</b>	<b>168</b>	<b>42</b>	<b>56</b>	<b>56</b>	<b>12</b>	<b>2</b>

NA\*: Not applicable as requests cannot be disregarded under PHIA

NA\*\*: Not applicable as extensions cannot be taken under PHIA

## PRIVACY

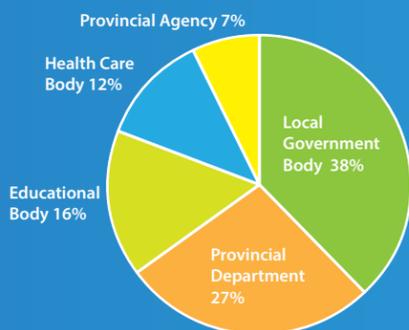
Overview of Privacy Complaints Opened in 2012: 20 new complaints about privacy matters were opened under Part 5 of FIPPA and PHIA.

Type of Privacy Complaint	FIPPA	PHIA	Total
Collection	4	1	5
Use	2	2	4
Disclosure	7	3	10
Security	-	1	1
<b>Total</b>	<b>13</b>	<b>7</b>	<b>20</b>

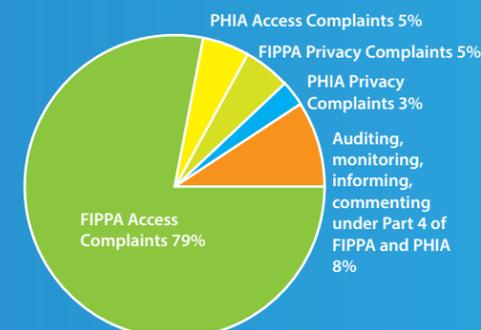
Overview of Privacy Complaints Closed in 2012: 18 privacy complaints under Part 5 of FIPPA and PHIA were closed.

Type of Privacy Complaint	FIPPA	PHIA	Total	Declined or Discontinued	Supported in part or in whole	Not Supported	Resolved	Recommendation Made
Collection	1	1	2	-	-	2	-	-
Use	3	2	5	-	3	2	-	-
Disclosure	5	6	11	-	8	2	1	-
<b>Total</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>-</b>	<b>11</b>	<b>6</b>	<b>1</b>	<b>-</b>

### Distribution of Cases Opened in 2012



### Types of Cases Opened in 2012



### 2012 Statistical Overview of the Office

General Inquiries responded to by administration staff (caller was assisted, without need for referral to Intake Services)	2706
Inquiries and concerns handled by Intake Services	1790
Cases opened for investigation under Part 5 of The Freedom of Information and Protection of Privacy Act	205
Cases opened for investigation under Part 5 of The Personal Health Information Act (PHIA)	19
Cases opened under Part 4 of FIPPA and PHIA	19
Cases opened for investigation under The Ombudsman Act	88
Cases opened for investigation under The Public Interest Disclosure (Whistleblower Protection) Act	5
Cases opened for investigation under The Fatality Inquiries Act	3
<b>Total Contacts</b>	<b>4835</b>

### 2012/13 Office Budget

Total salaries and employee benefits for 31 positions	\$2,569,000
Positions allocated by division are:	
Ombudsman Division	12
Access and Privacy Division	8
General	11
Other expenditures	\$506,000
<b>Total Budget</b>	<b>\$3,075,000</b>