

# Manitoba Ombuds News

## 2013-3 Ombudsman, Access and Privacy Newsletter

### Know your health information rights



Personal health information of Manitobans is available to authorized health-care providers and their support staff through the provincial electronic health information system named eChart Manitoba. To make Manitobans more aware of their health information rights in relation to eChart, our office produced a brochure and video outlining the following six rights that can be exercised.

You have the right to...

1. know why your personal health information is being collected by a health-care provider and whether it will be made available in eChart.
2. ask for a copy of your personal health information in eChart.
3. ask that any errors in your personal health information be corrected.
4. know who has looked at your personal health information in eChart.
5. have your personal health information hidden from view in eChart.
6. ask the Manitoba Ombudsman's office to investigate if you are not satisfied with a decision or response you receive about any of these rights.

More information about these rights is available in our brochure. To download a copy of the brochure in English or French, or to find out more about your information access and privacy rights under *The Personal Health Information Act* (PHIA) or *The Freedom of Information and Protection of Privacy Act* (FIPPA), visit [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca). To view our video, visit our YouTube channel. For more information about eChart, please visit [www.echartmanitoba.ca](http://www.echartmanitoba.ca).



### More about eChart

As of August 31 2013, eChart was available to over 10,000 authorized users in 260 health care sites throughout the province, such as medical clinics and hospitals.

EChart pulls together information from existing electronic systems, including:

- prescriptions filled at retail pharmacies through the Drug Programs Information Network (DPIN)
- immunization histories recorded in the Manitoba Immunization Monitoring System (MIMS)
- demographic information, including name, address, birth date and personal health identification number (PHIN), from the Provincial Client Registry (CR) system
- laboratory results from participating private and public laboratories
- diagnostic image reports from Manitoba's Radiology Information System (RIS)
- encounters (administrative information including admission date, type of visit and discharge date) and visit reasons from St. Boniface Hospital

Authorized eChart users can search, view and print personal health information from eChart. There are different levels of access based on the users' need to know the information to perform their jobs. For example, a physician may be able to see all of your information, while reception staff may only have access to information such as your name, address and PHIN. The system does not restrict the user to viewing only his or her patients' personal health information. Each user has a unique username and password to access the system and all access to eChart is logged (recorded) and is subject to audits.

## Right to Know Week highlights

For the eighth year, Manitoba Ombudsman joined with other information and privacy commissioner offices from across the country in celebrating national Right to Know Week from September 23 to 28, 2013 and international Right to Know Day on September 28.

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.

Access to information held by our governments can be used to reveal or clarify the basis for government decisions affecting us, provide us with greater knowledge to address and debate public issues that are important to us, and help us scrutinize government actions and decisions on the basis of hard information. All of this allows us to become more active participants in the democratic process.

### New videos!

To acknowledge RTK 2013, we posted **three new videos** on our YouTube channel at [www.youtube.com/user/manitobaombudsman](http://www.youtube.com/user/manitobaombudsman).

The first video – *Exercise Your Right to Know* – talks about what Right to Know Week is and why it is important. For many years Manitoba Ombudsman has acknowledged Right to Know Week by asking the leaders of Manitoba communities to officially proclaim Right to Know Week. This year, we invited some of those leaders to voice their support. Manitoba Ombudsman would like to thank the mayors of Brandon, Portage la Prairie and Selkirk for their participation.

The other two videos are “how to” videos that focus on accessing information under Manitoba's *Freedom of Information and Protection of Privacy Act* (FIPPA) and accessing personal health information under *The Personal Health Information Act*.



## Email and FIPPA



Email is frequently used by the Manitoba government and other public bodies to conduct business and, where considered to be in the custody and control of a public body, is subject to the public right of access under FIPPA. Accordingly, it is important that public bodies use and manage email in a manner consistent with the requirements of FIPPA and any network usage policies developed by a public body (for example, the Manitoba government has an Electronic Networks Usage Policy). Although access to the network and Internet is granted for work-related purposes, the Manitoba government's policy provides that limited incidental personal use is permissible provided such use complies with the policy.

Due to the informal nature and frequency of email communication in general, an individual working in a public body may easily believe that their communications, using their government email account, are private and confidential. Email is not confidential and it is important to exercise caution when sending

information in this manner. In addition to being subject to the right of access under FIPPA, email can be and often is inadvertently forwarded to others, leading to the unintended disclosure of personal information or information intended to be confidential.

In a recent case involving personal communication with the government email system, a public body withheld comments made in an email, citing the exception to disclosure in clause 23(1)(a) of FIPPA, which allows a public body to refuse access to information on the basis that disclosure could reveal “advice, opinions, proposals, recommendations, analyses or policy options developed by or for the public body or a minister.” In this case, the ombudsman concluded that what was in the email was personal opinion. The author confirmed that the comments withheld were, in fact, personal opinion expressed in what he thought was a confidential email. The email was in the custody and control of a public body subject to FIPPA and the full email should have been released.

## PIDA by the numbers >>>

We're currently experiencing a dramatic increase in whistleblower disclosures. In 2012, we received five disclosures under *The Public Interest Disclosure (Whistleblower Protection) Act*, and investigated (and closed) four. To date in 2013, we have received 33 disclosures, have closed four, and 36 are in the investigative process (including some cases received prior to 2012).

## Our mission, goals and values



We've been around for a long time, over 42 years. We know what we do and why we do it. But it's important to pause once in a while and take a good look at what we stand for and believe in as an organization. We've recently done that and now it's time to share the result with you...Please take a moment to read our mission, goals and values statements below and also on our website in the yellow About Us section.

In exploring some ideas about the best way to assess and improve our performance as both individuals and as an organization, we felt that stating our mission and goals would be the best place to start. We're proud to report that all of us here at

Manitoba Ombudsman had input into the development of our mission and goals. While we were at it, we talked about our values as employees and as an organization, and we thought we would share those with you, too.

We will use this work as the basis for future development of all kinds, including our service standards and investigative processes. In a sense, our mission will be our compass, helping us to navigate in the right direction and stay on course.

### Mission

To promote and foster openness, transparency, fairness, accountability, and respect for privacy in the design and delivery of public services.

### Goals

- to provide effective, competent and efficient service
- to foster working relationships based on trust, respect and confidentiality
- to lead by example and demonstrate fairness in all that we do
- to facilitate fair treatment in public service delivery and in the development and implementation of public policy

### Values

**Integrity:** Demonstrating the highest standards of professional and personal conduct and taking responsibility for our actions.

**Respect:** Treating all people with respect, dignity and courtesy, valuing diversity, fostering positive relationships, and being fair and consistent in our treatment of others.

**Independence:** Acting in the public interest in accordance with our statutory mandate and demonstrating neutrality and impartiality by ensuring that our actions are influenced by neither fear nor favour.

**Excellence:** Achieving the highest standards in the work that we do and adding value to the democratic process by facilitating interaction between the public and those who serve them.

## Staff photo



In late June, Manitoba Ombudsman staff gathered at the Legislative Building for this photo on the grand staircase.

## Upcoming Events

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|------------------|--|
| October 23       | 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 204-982-9130 for details or to register. |
| October 25       | Visit our display table at the Manitoba Social Sciences Teachers' Association conference at Kildonan East Collegiate in Winnipeg.  |
| November 5       | Identity Theft Prevention Seminar, with presentations by the Winnipeg Police Service and Manitoba Ombudsman. 6:00-7:30 p.m., Westwood Community Church, Winnipeg.                    |
| November 25-26   | Visit our booth at the Association of Manitoba Municipalities' Annual Convention at the Keystone Centre in Brandon.  |
| January 28, 2014 | Data Privacy Day   |

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