



Manitoba Ombudsman

2014 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

Message from the ombudsman



This report covers a period during which Mel Holley was acting Manitoba Ombudsman. Mel retired after 32 years of public service, 17 of them with Manitoba

Ombudsman. As acting ombudsman for over three years, Mel led the office through a period of significant change. Mel oversaw changes to the office's intake system, organizational practice standards for both divisions of the office, use of technology to communicate with and report to the public, and to hiring practices through a significant period of staff rejuvenation. Mel guided the office's transition toward being more open, transparent and accountable. I would like to thank Mel for his leadership and years of dedicated service.

This 2014 annual report highlights our work as the oversight office for access and privacy matters under FIPPA and PHIA. Included are complaint investigation summaries, information on our initiatives to educate and inform the public and public bodies about access and privacy issues, and detailed statistics.

In addition to the investigation of access and privacy complaints, Manitoba Ombudsman's role under FIPPA and PHIA includes commenting on the access and privacy implications of proposed programs or legislation. In 2014, we were asked by Elections Canada to comment on the proposed disclosure of personal information about Manitoba drivers held by Manitoba Public Insurance for the purpose of updating the National Register of Electors maintained by Elections Canada. When a federal election is called, information in the register is used to produce preliminary lists for each electoral district, and electors are sent voter information cards with their polling locations. Lists of voters are also prepared for provincial, territorial and municipal governments through agreements with Elections Canada.

We conducted a review that included consultations with MPI and Elections Canada, and provided comments about the proposed disclosure. We determined that FIPPA would permit disclosure for the purpose of updating the register, if MPI entered into an agreement with Elections Canada and if Elections Canada amended its legislation in order to specifically authorize it to collect MPI information. MPI and Elections Canada entered into a written agreement that includes privacy protections and security arrangements

for personal information. We reviewed the agreement and were satisfied with the safeguards for personal information.

Manitoba Ombudsman is also part of a federal, provincial and territorial community of access and privacy oversight offices, which collaborate on issues of mutual interest. In October 2014 a joint statement was issued about access and privacy rights related to potential legislative changes regarding the powers of intelligence and law enforcement agencies. This was followed by an additional joint statement in November 2014 that urged governments to better protect and promote the access and privacy rights of Canadians in the era of digital information. Both of these joint statements are available on our website. We also participated in a national privacy forum about privacy and security issues related to the use of technology to collect, use and share personal health information.

As highlighted in this report and in our separate annual report on Ombudsman Act and Public Interest Disclosure Act matters, Manitoba Ombudsman has a significant and broad mandate. As a newly appointed ombudsman, I look forward to building on the office's previous accomplishments and results in the coming years.

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, 2014 to December 31, 2014.

Yours truly,

Charlene Paquin
Manitoba Ombudsman

About the office

Manitoba Ombudsman is an independent office of the Legislative Assembly of Manitoba 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.

Video Surveillance Guidelines

Manitobans are often under surveillance, whether walking down the street, travelling on a bus, or entering a public building. Surveillance technology such as body worn cameras, drones and even fitness tracking gadgets has become common place in today's society.

Surveillance of public spaces has also increased rapidly in recent years as a way to deter or prevent crime. While there is some debate regarding the deterrent effect of video surveillance technology on crime, it nevertheless remains the most common reason why public bodies and trustees consider using surveillance systems.

It is important that we recognize that cameras capture a great deal more than crimes in the making – they also capture responsible citizens and employees going about their daily lives. While the collection of this information may appear harmless, there is also potential for the information collected to be misused.

All of these surveillance methods generate electronic records of personal and/or personal health information. As a result, the use of video surveillance technology in public spaces and public buildings comes with responsibilities and obligations set out in our access and privacy laws.

Implementing a surveillance system requires careful consideration and forethought to minimize the impact on the privacy rights of individuals. To assist public bodies and trustees in deciding whether a proposed or existing surveillance system is operating in a privacy protective manner, we developed *Video Surveillance Guidelines* in 2014 and publicly released the guidelines in early 2015.

In Winnipeg:
750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
204-982-9130
1-800-665-0531 (toll free in Manitoba)
Fax: 204-942-7803

In Brandon:
202 - 1011 Rosser Avenue
Brandon, MB R7A 0L5
204-571-5151
1-888-543-8230 (toll free in Manitoba)
Fax: 204-571-5157

On the web:
www.ombudsman.mb.ca
www.facebook.com/manitobaombudsman

The perspective of custody and control over records of subsidiary corporations or business partnerships

The emergence of arm's length, public-private hybrid organizations and subsidiary corporations is a growing trend. These entities have significant effects on citizens' daily lives by undertaking large development projects and other initiatives, often funded by public money. Such corporations, while created and/or influenced by public bodies that are subject to FIPPA, are often considered private entities, which are not subject to FIPPA.

Only the records of public bodies fall within the scope of FIPPA. Private entities (such as corporations) are not subject to FIPPA. This can cause some confusion when a public body creates a subsidiary company (registered as a separate legal entity) or has representation on the management committee/governing board of a private corporation.

In most cases involving records about public-private partnerships or subsidiary corporations, the right of access to these records is contingent on whether or not the public body has custody or control over the requested documents.

A record is generally considered to be in the custody of a public body if the public body has physical possession of the record, however, the mere possession of a record does not necessarily mean that the public body has control over that record. A record is under the control of a public body when the public body has the authority to manage the record, including restricting, regulating, and administering its use, disclosure, or disposition.

In determining whether a public body has custody or control of a record, it is necessary to consider all aspects of the creation, maintenance, or use of the record. This can be determined by asking questions such as how was the record created, by whom, and for

what purpose? Does the content of the record relate to the public body's mandate? How closely is the record integrated with other records held by the public body? Does the public body have the authority to regulate the record's use or to dispose of the record?

This past year, our office investigated several cases involving custody and control of records, two of which are described below.

One case involved a business relationship between a public body, the City of Winnipeg, and a corporation, BBB Stadium Inc. In this case, the corporation had a governing board whose members included a representative from the public body. The representative from the public body received a record, which was the subject of a FIPPA access request, in the course of their duties on this board.

Although the public body had designated an employee to be involved in the governing board of the corporate entity, the public body indicated that this individual had a fiduciary duty to the corporation and received a copy of the record in question in their capacity as a board member, which was not related to their role as an employee of the public body. However, there was some evidence that other members of BBB Stadium Inc. viewed the provision of records to the city employee as equating with provision of records to the City of Winnipeg itself. Whether or not the record was in the custody or control of the public body, what was never in dispute was that the information in question was about a third party and was provided in confidence. As such, we determined that even if the record was in the custody or control of the public body, the record was subject to an exception under section 18, which protects the business interests of third parties.

Another case we reviewed involved board meeting minutes of University of Winnipeg Community Renewal Corporation (UWCRC), a subsidiary of the University of Winnipeg. We found that a close relationship existed between the two entities, however UWCRC had its own independent existence, mandate, and an internal governance structure which allowed a degree of autonomy from the University of Winnipeg. The subsidiary's records related to its own initiatives and were maintained in filing systems independent of the public body. While the university and UWCRC had entered into various service agreements that required UWCRC to provide the university with all records related to those services, board meeting minutes were not among the records required to be provided. We found that the university would not require a copy of these particular records for its own purposes and was not in a position to reasonably expect to obtain these particular records upon request. Our report in this case is available on our website.

Given the increasing prevalence of these types of business models, it is imperative that public bodies ensure that the resulting contracts and agreements clearly document the rights and responsibilities of the parties as to their respective records, and to the records that will grow out of the business arrangement. Contracts and arrangements must be entered into in contemplation of the public body's responsibilities under FIPPA, and the public's reasonable expectations of transparency and accountability with respect to infrastructure projects and delivery of services and programs to the public. Addressing these issues at the outset will also help public bodies ensure that business arrangements provide appropriate means for the public body itself to secure necessary information throughout the lifecycle of the arrangement.

2014/15 Office Budget

Total salaries and employee benefits for 33 positions	\$2,816,000
Positions allocated by division are:	
Ombudsman Division 14	
Access and Privacy Division 8	
General 11	
Other expenditures	\$523,000
Total Budget	\$3,339,000

2014 Statistical Overview of the Office

Intake and Administration	
Information or referrals provided by administration staff in response to inquiries	637
Inquiries and concerns handled by Intake Services	2779
Access and Privacy Division	
Complaints opened for investigation under <i>The Freedom of Information and Protection of Privacy Act</i> (FIPPA) (part 5)	271
Ombudsman-initiated reviews and investigations under <i>The Freedom of Information and Protection of Privacy Act</i> (part 4)	27
Complaints opened for investigation under <i>The Personal Health Information Act</i> (PHIA) (part 5)	41
Ombudsman-initiated reviews and investigations under <i>The Personal Health Information Act</i> (part 4)	16
Comments, consultations and collaborative initiatives under FIPPA and/or PHIA (part 4)	13
Ombudsman Division	
Complaints opened for investigation under <i>The Ombudsman Act</i>	102
Ombudsman-initiated investigations under <i>The Ombudsman Act</i>	2
Disclosures received under <i>The Public Interest Disclosure (Whistleblower Protection) Act</i> (PIDA)	16
Disclosures opened for investigation under PIDA	11
Child death review reports received under <i>The Child and Family Services Act</i>	59
Recommendations requiring follow-up	63
Inquest reports received under <i>The Fatality Inquiries Act</i>	6
Recommendations requiring follow-up	10

Searching for records?

In accordance with FIPPA, public bodies have a responsibility to respond to a FIPPA access request without delay, openly, accurately and completely. To provide a fulsome response to an access request, a thorough and adequate search must be conducted.

While each search for records would vary based on the context of the FIPPA request, there are some things to bear in mind when conducting a search. It is our view that an adequate search would include the following:

Determine the scope of the request

- Is there enough detail in the request to determine the scope of the request? If not, contact the applicant for further details.
- Does the request cover a specific time span?
- Does the request ask for information relating to specific individuals?
- Are you aware of any events or meetings that may have given rise to the creation of the requested records? If so, this may assist in narrowing the scope of the request.

Determine the location of the responsive records

- Determine whether the records would be found in hard copy documents or electronic records or possibly both?
- Consult with program areas as to where these records may be found.
- Ask program areas for information as to whether the responsive records may be held in another division. For example, if you have a request that crosses over two different divisions, you must ensure an adequate search occurs in both divisional records.

Document the search

- Document all relevant details relating to the search for responsive records. This would include how the public body determined the scope of the request, who conducted the search, what records were searched, in which locations the search took place, the results of the search and the access decision made.

Our office would expect the public body to develop a logical, realistic and practical strategy to identify and locate responsive records within the public body's custody or control.

Found a record after the fact?

FIPPA does not specifically address what a public body should do if a record is found after an access request has been processed. It is our view that in keeping with the spirit of the legislation, a public body should provide a further response to the applicant regarding those records.

During the course of a recent FIPPA investigation, the provincial government addressed this important issue. In a June 4, 2014 memo to deputy ministers, the clerk of Executive Council instructed that any new or additional records that surface after an access decision has been provided should be provided to FIPPA applicants. The clerk of Executive Council had supported our view regarding providing a response to records found after processing an application. He stated:

Responding to FIPPA requests is an essential component of open and transparent government operations. Responses involve gathering and assessing records related to a request and providing an appropriate response to the applicant. Record searches should be thorough and complete to ensure all the appropriate information is provided when the FIPPA response is issued to the applicant.

After an access decision has been provided, should new or additional records surface that are responsive to the request, I would like departments to ensure they take the necessary steps to provide the new information to the applicant. I recognize that this would be an unusual circumstance given the effort to find records, but when it does occur, it's important that departments immediately take corrective and proactive steps needed to provide the information. This is part of the openness we wish to foster in responding completely and appropriately to FIPPA requests.

We believe this provides appropriate and sufficient direction to deal with situations where records are discovered after the fact.

Access Matters under PHIA

Since December, 1997, *The Personal Health Information Act* (PHIA) has provided Manitobans with the right to access their own personal health information, recognizing the importance of this information to individuals in not only understanding their health and medical conditions but also in making decisions about their health care. While this was a crucial step forward, individuals could find themselves waiting for weeks to receive their health records, as PHIA provided trustees with up to 30 days to meet the access rights of individuals. Amendments to PHIA that came into effect in January 2011 recognize the fact that health-care decisions in some settings cannot wait days or weeks until the individual's request is processed and their access rights met. PHIA now requires that the access rights of hospital in-patients, pertaining to current care in hospital, are met within 24 hours, by making the information available for examination. Requests for information about current care, outside of the hospital setting, must be responded to within 72 hours. The 30-day time limit still applies to all other types of requests.

In 2014, we received and investigated our first complaint about an alleged failure to fulfill a hospital in-patient's right of access within the 24-hour time limit. The individual advised our office that she had been an in-patient at Health Sciences Centre (HSC). Earlier in her hospital stay, in response to her request for access, the hospital had afforded her the opportunity to examine her hospital records. Over one week later, she had asked to see her chart again. According to the individual, hospital staff had told her that because she had already viewed her chart, she would need to make an appointment to see her physician after discharge, in order to view the chart again. Although staff did initiate arrangements for her to meet with her physician, this would have been weeks later, and the individual was not given an opportunity to view her chart before being discharged later that day.

When our office notified HSC about the complaint, we were advised that hospital staff believed that the individual agreed with the arrangement made to provide access through the individual's physician. The hospital, however, acknowledged that this did not fulfill the 24-hour time limit imposed under PHIA, and made efforts to expedite the individual's access to her chart. Since the individual had been discharged and because mobility issues prevented her from returning to the hospital at that point, the right of access could not be met by viewing the chart. HSC instead provided a copy of the chart. HSC initially advised the individual that a fee of \$90.50 would apply, including a base fee of \$25.00 plus copies at \$0.50 per page. This was subsequently reduced to \$25 in recognition of the fact that producing copies would not have been necessary had the individual been able to view the record while still an in-patient.

Our office investigated another complaint in 2014, dealing specifically with the issue of the \$25 administrative fee charged at St. Boniface Hospital for an individual's access to a one-page health record. Section 10 of PHIA provides that a trustee may charge a reasonable fee for processing a request, although the fee must not exceed the amount provided for in the regulations. As no limit has yet been imposed through the regulations, our office must consider whether the fee imposed is reasonable in the circumstances. Through past investigations, we were aware that St. Boniface Hospital and the WRHA employ the same fee schedule, and that although the cost per page of photocopying had increased by several cents over the years, the administrative fee has been set at \$25 since at least 2003. Although our office found that the fee was reasonable in this case, we note that the increasing implementation of electronic medical/patient records has the potential to reduce administrative costs by decreasing the amount of staff time spent searching for and physically copying paper records. We also note that access fees charged by health professionals can be even more costly. By comparison, a fee is unlikely to be charged to an individual requesting access under FIPPA to a one-page record containing their own personal information. Given these disparities and the advances in technology, the issue of access fees is certainly deserving of attention during the next legislative review of PHIA.

Reaching Out

During 2014 we reached out to the public in a number of ways to promote an understanding of access and privacy rights under FIPPA and PHIA. Our outreach activities with public bodies and trustees focused on promoting statutory compliance and best practices.

We gave presentations on various access and privacy topics at the following events:

- the annual conference of the Association of Manitoba Municipalities
- an Introduction to FIPPA, a half-day training session for local public bodies including employees of municipal governments, educational bodies and health-care bodies; participants had the option to attend the session remotely through an online connection for the first time
- the annual conference of the Manitoba Council of Administrative Tribunals on privacy issues, risks and best practices under FIPPA and PHIA
- Southern Health authority's annual PHIA Day on making good decisions regarding the disclosure of personal health information
- Brown Bag Talks held at our office for access and privacy personnel in public bodies and trustees, which focused on access privacy considerations for digital records, the duty to assist access requesters, the challenges associated with dealing with personal health information held by public bodies and the requirements for consent under FIPPA and PHIA
- the Human Resource Conference for First Nations, Metis and Inuit
- the Manitoba Nurses Union, on PHIA privacy issues
- a Privacy Summit in Regina, hosted by Canadian College of Health Information Management and the Information and Privacy Commissioner of Saskatchewan
- the access and privacy conference that we hosted, on the topic of addressing privacy breaches

We also spoke with various groups about the role of the ombudsman, including the Metis Authority and its agencies, Age and Opportunity, Village Green (Brandon), William Whyte Residents Association and Arthur E. Wright School (grade 6 classes).

On Data Privacy Day, celebrated around the world on January 28, we promoted public awareness of the importance of protecting personal information and the impact of technology on privacy. We produced a short video, available on our YouTube channel, which highlights five tips for protecting personal information. We distributed ID shields for credit and debit cards that can be waved or tapped to make a payment due to having radio frequency identification (RFID) chips containing our personal information. We also distributed privacy-themed bilingual calendars and posters, which were a joint effort by federal, provincial and territorial privacy commissioners.

Manitoba Ombudsman joined with other information and privacy commissioner offices from across the country in celebrating national Right to Know Week from September 22 to 28, 2014 and international Right to Know Day on September 28, which acknowledges the democratic right of access to government-held information and promotes

the benefits of open, accessible and transparent government. We produced a new "FIPPA Tips" video for the public as well as the fact sheet *Tips for making a FIPPA request*. During the week, staff from our office spoke with the public at three Winnipeg Public Library branches where we had display tables.

Our office participated in a working group with Manitoba eHealth and Manitoba Health to develop resources to promote privacy compliance and best practices under PHIA. A Privacy Toolkit for Health Professionals, which has resources to assist trustees of personal health information in meeting their privacy obligations under PHIA, was launched on Manitoba Health's PHIA website. This working group also created privacy-wise stickers with five different privacy messages, which fit on the top of a computer monitor or laptop to remind health-care providers, support staff and trustees to protect the privacy of Manitobans when using electronic health information systems.

We participated in Law Day in Winnipeg and spoke with the public about the ombudsman's role and provided information and brochures about FIPPA, PHIA, *The Ombudsman Act* and *The Public Interest Disclosure (Whistleblower Protection) Act*. We also staffed informational display booths at the Rural and Northern Health Day hosted by the Manitoba Centre for Health Policy, the Association of Manitoba Municipalities' Annual Convention and the Manitoba Social Sciences Teachers' Association Conference.

During 2014, we continued to post investigation reports on our website to enhance the transparency of our investigations and to inform the public, public bodies and trustees about how we analyze and interpret provisions of FIPPA and PHIA. At the end of 2014, there were a total of 41 investigation reports on our website.

In our quarterly newsletter, *OmbudsNews*, we featured articles on balancing transparency with the need to safeguard privacy, inappropriate use of personal health information by employees looking up their own information, and dealing with FIPPA requests for a public body's contracts with third parties.

With assistance from advisory committee members, we organized a conference that brought together employees of public bodies and trustees to share solutions for information access and privacy challenges (see separate article).

In the wake of media coverage about a significant privacy breach in Alberta, we issued a news release to remind trustees in Manitoba of their obligations under PHIA. The Alberta breach involved the loss of a laptop, which contained unencrypted personal health information of over 620,000 Albertans, by an information technology consultant to a health-care facility. Our news release highlighted for trustees, the requirement to have a written information manager agreement that provides for the protection of personal health information when it is provided to an information manager for information technology or information management services, as well as for the purpose of processing, storing or destroying the information. We also provided guidance and informed trustees of resources available to assist them in protecting Manitobans' personal health information.

2014 Access and Privacy Conference

Our office hosted the **Manitoba Connections: Access, Privacy, Security and Information Management Conference** in October 2014. "Manitoba Connections" reflects the interconnectedness of these information-related disciplines, which all play an important role in the access and privacy system in Manitoba.

The conference offered practical solutions to meet the information challenges faced by public bodies and trustees subject to *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA). It was also an opportunity for participants to learn about the latest issues and trends in access, privacy, security and information management.

We worked with an advisory committee made up of representatives from public bodies and trustees to develop the conference agenda. The conference featured five plenary speakers and participants were able to customize their own learning path by choosing from a selection of 16 different breakout sessions. Also, there were three optional half-day pre-conference workshops to allow participants to explore issues in depth.

The input from the advisory committee was invaluable in the planning process and contributed to the huge success of the conference. This was a sold out event, attended by staff from the provincial government, municipalities, school divisions, universities, colleges and the health-care sector.



This chart shows the disposition of the 527 Access and Privacy cases investigated in 2014 under Parts 4 and 5 of FIPPA and PHIA

	Complaints opened for investigation under FIPPA (Part 5)				Completed	Recommendations Resolved	Partly Supported	Supported	Not Supported	Discontinued	Declined	
	Cases carried over into 2014	New cases in 2014	Total cases in 2014	Pending at 12/31/2014								
Provincial Department	Agriculture, Food & Rural Development	1	4	5	2			2	1			
	Civil Service Commission		1	1	1							
	Conservation & Water Stewardship	2	17	19	8			3	8			
	Education & Advanced Learning		9	9	7		1	1				
	Executive Council	1	1	2				1		1		
	Family Services (& Labour*)	14	25	39	18			3	5	5	8	
	Finance	7	20	27	5		3	12		6	1	
	Health, Healthy Living & Seniors (Healthy Living, Seniors & Consumer Affairs*)	1	3	4	1		1	1			1	
	Housing & Community Development	2	3	5	1		1	1	2			
	Infrastructure & Transportation	2	14	16	3		4	1	7	1		
	Jobs & the Economy		4	4	3		1					
	Justice	2	7	9	5		1	1	1	1		
	Labour & Immigration	2	2	2	1			1				
	Tourism, Culture, Sport & Cons Protection	1	1	1				1				
	Crown Corporation & Government Agency	Centre Culturel Franco-manitobain		2	2			1	1			
		Manitoba Cattle Enhancement Council		2	2	1		1				
Manitoba Housing Authority		3	23	26		4	1	5	1	14	1	
Manitoba Human Rights Commission		1		1					1			
Manitoba Hydro		6	4	10	4		1	2		3		
Manitoba Lotteries Corporation		1		1	1							
Manitoba Public Insurance		2	2	4	1			3				
The Funeral Board of Manitoba		1		1	1							
Workers Compensation Board			2	2			1	1				
Local Government Body (LGB)		City of Brandon	2	4	6			3	3			
	City of Portage	1	1	2			1	1				
	City of Winnipeg	52	58	110	36	1	5	36	5	17	10	
	City of Thompson		1	1				1				
	Town of Churchill	3	3	1					2			
	Town of Morris	1	1					1				
	Town of Neepawa	1	1	1								
	Town of Winnipeg Beach	1	1					1				
	RM of Arthur		1	1						1		
	RM of East St. Paul		1	1				1				
	RM of Edward		1	1				1				
	RM of Gimli		1	1						1		
	RM of MacDonald		14	14	12			1		1		
	RM of Rosser		1	1				1				
	RM of St. Laurent		2	2				1	1			
	RM of Siglunes	3		3	3							
	RM of Strathcona	1		1					1			
	RM of Victoria Beach	5	5	10					5	5		
	RM of Winchester		1	1				1				
	District of Pinawa	1		1						1		
Eastern Interlake Planning District		1	1	1								
Educational Body (EB)	Mystery Lake School Division	1		1	1							
	Pembina Trails School Division	1	1	2	1				1			
	Red River College	2		2	1		1					
	St. James Assiniboia School Division	1		1			1					
	Seven Oaks School Division		1	1					1			
	Sunrise School Division		1	1				1				
	Winnipeg School Division		1	1							1	
	Universite de Saint-Boniface		1	1	1							
	University of Manitoba		10	10	4		2	4				
	University of Winnipeg	1	2	3				3				
Health Care Body (HCB)	Deer Lodge Centre		2	2					2			
	Laboratory		1	1				1				
	St. Boniface General Hospital	1	2	3					2	1		
	Brandon Regional Health Authority	1		1	1							
	Northern Regional Health Authority		3	3	2			1				
Winnipeg Regional Health Authority		2	2				1			1		
Subtotal	119	271	390	128	5	25	104	32	78	18		
Complaints opened for investigation under PHIA (Part 5)												
Prov Dept	Education & Advanced Learning		1	1	1							
	Family Services		1	1	1							
	Health, Healthy Living & Seniors	1	2	3	3							
	Tourism, Culture, Sport & Consumer Protection		2	2					2			
Health Care Body	Diagnostic Services of Manitoba		1	1				1				
	CancerCare Manitoba	1	1	2	2							
	Medical Clinic		2	2			1	1				
	Grace Hospital		1	1					1			
	Health Sciences Centre		5	5	2			1	1	1		
	Misericordia Health Centre		1	1				1				
	St. Boniface General Hospital		1	1				1				
	Brandon Regional Health Authority	1		1				1				
	Prairie Mountain Regional Health Authority		1	1	1							
Northern Regional Health Authority	1		1	1								
LGB	City of Winnipeg	1	1	2	1			1				
EB	Brandon School Division		1	1	1							
	Pembina Trails School Division	1		1	1							
	Winnipeg School Division		2	2	1				1			
	University of Manitoba		1	1				1				
Universite de Saint-Boniface		1	1	1								
Gov Agency	Manitoba Public Insurance		7	7	1		1	1	1	3		
	WCB Appeal Commission		1	1				1				
	Workers Compensation Board		1	1				1				
Health Prof	Dentist		1	1						1		
	Physician		3	3			1	1	1			
	Physiotherapist		1	1	2	1			1			
	Psychologist		1	2	3			1		1	1	
Subtotal	8	41	49	18		2	10	4	10	4	1	

Ombudsman-initiated reviews and investigations under FIPPA (Part 4)

	Ombudsman-initiated reviews and investigations under FIPPA (Part 4)				Completed	Recommendations Resolved	Partly Supported	Supported	Not Supported	Discontinued	Declined					
	Cases carried over into 2014	New cases in 2014	Total cases in 2014	Pending at 12/31/2014												
Provincial Department, Crown Corporation & Government Agency	Civil Service Commission	1	1	2	1											
	Conservation & Water Stewardship	1		1												
	Education & Advanced Learning		1	1							1					
	Executive Council		1	1							1					
	Family Services (& Labour)*	2*	4	6	3						3					
	Finance		5	5							5					
	Healthy Living, Seniors & Consumer Affairs	1		1			1									
	Housing & Community Development		1	1							1					
	Manitoba Housing Authority		1	1	1											
	Infrastructure & Transportation		2	2							2					
	Justice		2	2	2											
	Jobs & the Economy		1	1							1					
	Labour & Immigration		3	3					1		1					
	Automobile Injury Compensation Appeal Commission	1		1	1											
	Manitoba Public Insurance	2		2							2					
	LB	City of Winnipeg	2	1	3	1						2				
Ed Body	Red River College		1	1	1											
	University of Manitoba	1	2	3							3					
	University of Winnipeg		1	1	1											
Subtotal	11	27	38	11						2					1	24

Ombudsman-initiated reviews and investigations under PHIA (Part 4)

	Ombudsman-initiated reviews and investigations under PHIA (Part 4)				Completed	Recommendations Resolved	Partly Supported	Supported	Not Supported	Discontinued	Declined					
	Cases carried over into 2014	New cases in 2014	Total cases in 2014	Pending at 12/31/2014												
Prov Dept	Family Services		1	1												
	Health, Healthy Living & Seniors	1	2	3	2		1									
	Justice		1	1	1											
Health Care Body	Health Sciences Centre		1	1	1											
	Medical Clinic		2	2	2											
	Interlake-Eastern Regional Health Authority	1	1	2	1						1					
	Northern Regional Health Authority		2	2							2					
	Southern Health Region		1	1	1											
Health Professional	Winnipeg Regional Health Authority															
	Licensed Practical Nurse		1	1							1					
	Pharmacist		2	2	1						1					
	Physician		1	1							1					
Physiotherapist		1	1	1												
Subtotal	2	16	18	10						1						7

Comments, consultations and collaborative initiatives under FIPPA and PHIA (Part 4)

	Public bodies, trustees and other	19	13	32	18												
Total		159	368	527	185	5	30	114	36	88	22	2	45				

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, 2015.

OPENED

Overview of Privacy Complaints Opened in 2014: 57 new complaints about privacy matters were opened under Part 5 of FIPPA and PHIA

Type of Privacy Complaint	FIPPA	PHIA	Total
Collection	1	5	6
Use	7	9	16
Disclosure	20	12	32
Security	-	3	3
Total	28	29	57

NA* Not applicable as requests cannot be disregarded under PHIA
NA** Not applicable as extensions cannot be taken under PHIA

Overview of Access Complaints Opened in 2014: 255 new complaints about access matters were opened under Part 5 of FIPPA and PHIA

Type of Access Complaint	FIPPA	PHIA	Total
Refused access	126	5	131
No response	69	-	69
Request was disregarded	3	NA*	3
Extension	15	NA**	15
Fees	13	3	16
Fee waiver	1	-	1
Correction	4	4	8
Other	12	-	12
Total	243	12	255

CLOSED

Overview of Access Complaints Closed in 2014: 256 complaints about access matters were closed under Part 5 of FIPPA and PHIA

Type of Access Complaint	FIPPA	PHIA	Total	Declined or Discontinued	Supported in part or in whole	Not Supported	Resolved	Recommendation Made
Refused Access	137	6	143	10	29	86	17	1
No Response	64	-	64	4	60	-	-	-
Request was Disregarded	1	NA*	1	-	-	1	-	-
Fees	10	3	13	3	2	5	3	-
Fee Waiver	1	-	1	-	-	1	-	-
Correction	5	4	9	4	2	2	1	-
Extension	14	NA**	14	-	14	-	-	-
Third party contest	1	-	1	-	-	1	-	-
Other	10	-	10	4	2	4	-	-
Total	243	13	256	25	109	100	21	1

NA* Not applicable as requests cannot be disregarded under PHIA
NA** Not applicable as extensions cannot be taken under PHIA

Overview of Privacy Complaints Closed in 2014: 40 privacy complaints were closed under Part 5 of FIPPA and PHIA

Type of Privacy Complaint	FIPPA	PHIA	Total	Declined or Discontinued	Supported in part or in whole	Not Supported	Resolved	Recommendation Made
Collection	3	3	6	1	3	2	-	-
Use	5	5	10	3	4	3	-	-
Disclosure	14	7	21	1	8	10	2	-
Security	-	3	3	1	2	-	-	-
Total	22	18	40	6	17	15	2	-