

Manitoba OmbudsNews

2015-4 Ombudsman, Access and Privacy Newsletter

2016 Privacy Calendars | Data Privacy Day

Get your copy of the Office of the Privacy Commissioner of Canada's 2016 privacy calendar. The OPC generously shares copies of the calendars with information and privacy commissioner offices across the country, including Manitoba Ombudsman. We anticipate the calendars will arrive early in January. **Request a calendar by contacting ombudsman@ombudsman.mb.ca, 204-982-9130, or 1-800-665-0531 (toll-free in Manitoba). First come, first served. Supply is limited.**

Created to mark Data Privacy Day on January 28, 2016, the calendar is full of light-hearted editorial cartoons and privacy tips that everyone can use. As the OPC says, "we take privacy seriously, but sometimes a little humour can be a very effective way to drive the point home."

See the OPC's full image gallery of over 60 privacy illustrations at https://www.priv.gc.ca/information/illustrations/index_e.asp



2016 CALENDRIER | CALENDAR



Commissariat
à la protection de
la vie privée du Canada

Office of the
Privacy Commissioner
of Canada

**DATA
PRIVACY
DAY
JAN 28**

Recognized by privacy professionals, corporations, government officials, academics and students around the world, **Data Privacy Day** (every January 28) highlights the impact that technology is having on our privacy rights and underlines the importance of valuing and protecting personal information.

For more information on Data Privacy Day, and privacy tips for youth, parents and seniors, visit:
<https://www.staysafeonline.org/data-privacy-day/>

Privacy resources you can use

Privacy was at the forefront of our agenda in 2015. During the year, we released the following three guides:



Video Surveillance Guidelines

Surveillance methods that capture us walking down the street, travelling on a bus or entering a public building generate electronic records of personal and/or personal health information, which result in responsibilities and obligations set out in FIPPA and PHIA. For organizations, implementing a surveillance system requires careful consideration and planning to minimize the impact on the privacy rights of individuals. To help, we developed **Video Surveillance Guidelines** to assist organizations in deciding whether a proposed or existing surveillance system is operating in a privacy protective manner.

Manitobans come into contact with many specialized boards and commissions, also known as administrative tribunals, when dealing with the Manitoba government. When these organizations make their decisions available online, it helps the rest of us understand the work of the tribunal and how it deals with the cases before it. To help administrative tribunals comply with Manitoba's privacy laws when they post decisions online, we developed **Privacy Guidelines for Administrative Tribunals on the Online Publication of Decisions**.

Surveillance methods that capture us

We also developed a user friendly **Privacy Impact Assessment Tool** that encourages organizations to think about privacy when evaluating an existing or proposed program, service or activity. This PIA tool replaces our Compliance Review Tool for Manitoba's Information Privacy Laws, developed in 2003. The tool supports organizations in assessing privacy risks when planning or evaluating any initiative that involves personal or personal health information. If potential privacy risks are identified, reasonable steps can be taken to safeguard information and minimize risk.



New investigation reports on the web

FIPPA Case 2014-0499: Applications were made to Manitoba Infrastructure and Transportation (MIT) for records about 46 different contracts awarded under the Winter Roads Program. MIT estimated that it would take two hours to process each request. After two free hours of search and preparation time, an Estimate of Costs totaling \$2700 for the remaining 90 hours was issued. We determined that each application was for different records pertaining to different contracts and projects and that each request was a separate request entitled to two free hours of search and preparation time. Based on our findings, we recommended that MIT withdraw its Estimate of Costs. MIT accepted the recommendation, however, it later notified the complainant that it was disregarding the 46 access requests in accordance with subsection 13(1) of FIPPA. We did not investigate the decision to disregard the requests as a complaint was not made about that decision.

Ombudsman Act Case 2013-0391: We received complaints alleging that a councillor with the RM of West St. Paul failed to comply with legislation and RM policy regarding conflicts of interest in relation to the tendering and construction of a new Fire Hall for the RM as well as other matters. We found that the RM did not provide a fair tendering process for this

project and that the councillor failed to follow the statutory requirements and RM policy regarding conflicts of interest. We also found that RM council did not meet its obligation to ensure council members followed legislative provisions and RM policy regarding conflicts of interest. We made four recommendations to the RM.

Ombudsman Act Case 2013-0222: Eight individuals complained about the process by which a new sewage system was approved in the RM of De Salaberry. In dispute were a number of issues including the validity of a petition referenced in the project documentation, the adequacy of notice provided for the public hearing, the accuracy of information provided to taxpayers by the RM at the public hearing, and the accuracy of the information provided by the RM to the Municipal Board for final approval of the project. It was also alleged that the borrowing by-law to fund this project was defeated and that two council members were in conflicts of interest when they participated in debates and voted on the new sewage system. We supported the complaint that the RM did not fulfill all of its statutory obligations and we issued nine recommendations to the RM.

Out and about

Manitoba Ombudsman Charlene Paquin has been meeting with a number of individuals and groups to introduce herself as ombudsman and talk about the work of the office. Since her appointment in May 2015, she has:

- attended three district meetings of the Manitoba Municipal Administrators Association
- met with the executive of the Association of Manitoba Municipalities (AMM)
- met with numerous Manitoba government deputy ministers, executive management committees and employee groups
- met with staff and toured five correctional facilities
- attended three national meetings, including meetings of ombudsmen, information privacy commissioners, and public interest disclosure commissioners
- presented a session, "Ombudsman oversight: a practical perspective," at the AMM annual convention

Ombudsman employees have staffed display tables at the following events:

- Manitoba Youth Centre and Agassiz Youth Centre youth fairs
- Manitoba Centre for Health Policy's annual RHA workshop
- Manitoba Social Science Teachers Association SAGE conference

In addition, ombudsman employees delivered presentations to the following groups:

- Correctional officers, as part of their regular training program
- Eastern region municipal CAOs, at their quarterly meeting
- AMM annual convention – participation on a panel about decision making
- Access and privacy coordinators and officers, at our Brown Bag Talk series



Charlene with AMM Eastern Director and Mayor of Morris Gavin Van der Linde at the AMM Annual Convention in Brandon



Ombudsman Oversight: A Practical Perspective

On November 24, 2015, Manitoba Ombudsman Charlene Paquin delivered a session at the AMM Annual Convention in Brandon. Using some case examples, Charlene talked about how the complaint process can lead to opportunities to strengthen and improve municipal practices and procedures, and she shed light on some steps that municipalities can take in the effort to become more accountable, open and transparent. While the presentation was delivered to a municipal audience, the ideas might be of interest to any public body.

For example, organizations might consider making information available proactively, to increase transparency in decision making. Read more about the benefits of proactive disclosure and some things to consider when thinking about disclosing information proactively in the presentation.

The presentation also focused on building accountability through the practices of giving reasons for decisions, developing good process, and instituting best practices around fair decision making and conflict of interest.

You'll find the presentation on our website at:
<https://www.ombudsman.mb.ca/uploads/document/files/ombudsman-amm-presentation-nov-24-2015-final-en.pdf>



Happy holidays from all of us at Manitoba Ombudsman!

Brown Bag Talks in 2016 – Brown Bag Talks are informal discussions of issues of interest led by Manitoba Ombudsman staff with participation by access and privacy coordinators and officers. Talks are held in our boardroom at 750-500 Portage Avenue. Reserve your spot by phoning our office at 204-982-9130. Information about attending the talks by conference call will be provided in our email notices for upcoming talks.

- February 17, 2016 - Fees and Fee Estimates (with reference to recent investigation reports)
- April 20, 2016 - Privacy Breach Reporting Under PHIA
- June 15, 2016 - Considerations for Disregarding a Request for Access Under FIPPA (with reference to recent investigation reports)

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