

Manitoba Ombuds News


2017-1 Ombudsman, Whistleblower, Access and Privacy Newsletter

New Privacy-Related Resources

Public bodies and trustees hold significant amounts of personal and personal health information about Manitobans in order to provide various services, programs and benefits.

Under FIPPA and PHIA, personal and personal health information must not be used (or disclosed) except for purposes authorized under the acts. Both acts require that this information be protected by reasonable safeguards against such risks as unauthorized access, use, disclosure and destruction.

Access to, or viewing of, such information is considered a “use” of the information, and should only occur by employees who need it, and only at times when the information is required for legitimate work-related purposes. Access for personal reasons (such as curiosity) is generally referred to as employee snooping.



Ten Tips for Addressing Employee Snooping

Public bodies and trustees hold significant amounts of personal and personal health information about Manitobans in order to provide various services, programs and benefits. Ensuring that this information is accessed only by employees who need it, and only at times that information is required for legitimate work-related purposes, can be a challenge - but it is a challenge that needs to be addressed.

Without appropriate safeguards, human curiosity and other motivations (such as causing some form of harm to individuals and/or trying to gain an advantage) can lead employees to access personal and personal health information without authorization and without a legitimate work-related purpose - also known as “employee snooping.”

Access to, or viewing of, personal and personal health information by an employee is considered a “use” of the information. The Freedom of Information and Protection of

Privacy Act (FIPPA) and the Personal Health Information Act (PHIA) require that personal and personal health information not be used (or disclosed) except for purposes authorized under these acts. Both acts require that this information be protected by reasonable safeguards against such risks as unauthorized access, use, disclosure and destruction. Additionally, PHIA requires that the administrative, technical and physical safeguards be appropriate to the degree of sensitivity of the personal health information.

Although snooping represents the unauthorized actions of an employee for their own personal purposes, public bodies and trustees are accountable for their obligations to protect personal and personal health information from unauthorized use or disclosure. Below, we provide tips on ways for public bodies and trustees (organizations) to prevent and address employee snooping.

This privacy guidance has been adapted from *Ten Tips for Addressing Employee Snooping*, prepared by the Office of the Privacy Commissioner of Canada for private sector organizations subject to the Personal Information Protection and Electronic Documents Act (PIPEDA). It has been modified with permission from the Office of the Privacy Commissioner of Canada.

Manitoba Ombudsman
www.ombudsman.mb.ca | ombudsman@ombudsman.mb.ca | 1-800-665-0531 | 204-982-9130

We recently released ***Ten Tips for Addressing Employee Snooping***, a guidance document for public bodies and trustees subject to FIPPA and PHIA, which provides the following tips to prevent, detect and respond to snooping:

1. Foster a culture of privacy
2. Have periodic and/or “just-in-time” training and reminders of policies around snooping
3. Ensure employees know that consequences will be enforced
4. Ensure access is restricted to information required to perform the job
5. Develop measures to enable blocking of employee access to a specific individual’s information
6. Have access logs and/or other oversight tools in place
7. Proactively monitor and/or audit access logs and other oversight tools
8. Understand “normal” access, to better detect inappropriate access
9. Investigate all reports of employee snooping
10. Where proactive measures fail, respond appropriately

The guidance document has been adapted from material prepared by the Office of the Privacy Commissioner of Canada (OPC) for private-sector organizations. The document has been modified with permission from the OPC.

Ten Tips for Addressing Employee Snooping is available at:

<https://www.ombudsman.mb.ca/uploads/document/files/ten-tips-for-addressing-employee-snooping-en.pdf>

New Privacy-Related Resources, continued

In December 2016, we released a report with findings from our privacy breach practices in Manitoba survey. Our findings highlighted areas where organizations needed further assistance in managing privacy breaches. To address the identified gaps, we updated our practice note *Key Steps in Responding to Privacy Breaches under FIPPA and PHIA*.

In the practice note, we identify four key steps to consider when responding to a suspected or actual privacy breach:

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

Included in the practice note is a “risk rating” overview that can assist in determining whether or not notifying an affected individual(s) of a privacy breach is appropriate. Also included is a content checklist to help determine what information to include in a privacy breach notification letter.

Key Steps in Responding to Privacy Breaches under FIPPA and PHIA is available at:

<http://www.ombudsman.mb.ca/uploads/document/files/key-steps-in-responding-to-privacy-breaches-en.pdf>

All materials related to privacy breaches are located on our privacy breach resources page at <https://www.ombudsman.mb.ca/info/privacy-breaches.html>

Online Safety Poster

In the 2016-4 issue of our newsletter, we highlighted a new poster we produced with the Office of the Children’s Advocate.

The poster has some simple reminders for young people about how to stay safe and secure online.

It is now available in print with English on one side and French on the other. Contact our office to request copies.



New Privacy-Related Resources, continued

To help young people engage about privacy, the Office of the Privacy Commissioner of Canada produced a graphic novel, *Social Smarts: Privacy, the Internet, and You*, which has been endorsed by Manitoba Ombudsman and other information and privacy commissioner offices across the country.

You'll find the graphic novel at: https://www.priv.gc.ca/media/3609/gn_e.pdf



A discussion guide for teachers is also available at: https://www.priv.gc.ca/media/3604/gn_guide_e.pdf



PIDA - Pioneering Oversight in the Public Interest

April 2, 2017 marks the 10th anniversary of Manitoba's Public Interest Disclosure (Whistleblower Protection) Act (PIDA), which, when originally enacted, initiated a means for Manitobans to bring forward concerns about the public service, effectively increasing oversight of Manitoba's public bodies and civil servants.

In 2007, PIDA was one of the first of its kind in Canada and became a model for other provincial jurisdictions in the creation of their own public interest oversight legislation.

Over the last 10 years, our office has refined our interpretation of "wrongdoing," as well as our procedures for handling disclosures of wrongdoing through the conduct of investigations and experiences with public bodies and whistleblowers. As we gained experience and familiarity with disclosure investigations, we established ourselves as leaders in Canada, enabling us to share our expertise with fellow offices in other provincial jurisdictions.

Our experience has also given us some insight as to how to enhance the current legislation with regard to safeguarding the protections promised to whistleblowers who courageously come forward. As such, we have taken the opportunity to suggest amendments to PIDA in order to make it as progressive in the realm of public interest oversight as it can be.

Municipal Oversight

2017 also marks the 20th anniversary of municipal oversight under the Ombudsman Act. When the Ombudsman Act was passed in 1970, it applied to provincial government departments and agencies. In January 1997, the ombudsman's jurisdiction was extended to all urban and rural municipalities in Manitoba, except for Winnipeg (which was added in January 2003).

March is Fraud Prevention Month!

Protect yourself from identity theft and fraud. Explore some ideas and resources on our “Identity Theft” page at: <https://www.ombudsman.mb.ca/info/identity-theft.html>

These days, most credit and debit cards have radio frequency identification (RFID) chips that contain our personal information. Many cards are “contactless” to help speed small financial transactions – we can wave or tap our card on or near a store’s payment terminal and our transaction will automatically be processed. While this technology makes it easier for us to pay for purchases, it also makes it easier for hackers or electronic pickpockets to obtain our personal information. Protect it! We still have **ID shields** made of metallized, water-resistant, and tear-resistant paper, which are designed to protect against unauthorized access to the personal information contained on your card’s RFID chip. If you would like us to send you an ID shield or two, please contact us with your request.



Upcoming Events

- | | |
|---------------------------|--|
| March 10-11, 2017 | Visit the Office of the Privacy Commissioner of Canada’s exhibitor booth at the Winnipeg Parents and Kids Show at the Victoria Inn. We’ll join our OPC colleagues for the two-day event. |
| April 19 and May 17, 2017 | Brown Bag Talks for access and privacy coordinators and officers. 12:05 - 12:50 p.m., our office. Call 204-982-9130 for details or to register. For topics, see: https://www.ombudsman.mb.ca/info/brown-bag-talks.html |
| April 9, 2017 | Visit our display table at Law Day 2017 and the Law Courts Open House, 408 York Avenue, Winnipeg, noon to 3:30 p.m. |

Any article in this newsletter may be reprinted in whole or in part. Please credit Manitoba Ombudsman.

Manitoba Ombudsman

To subscribe to Manitoba OmbudsNews or be removed from our distribution list please send your email address to Ideandrade@ombudsman.mb.ca

Winnipeg Office
750 - 500 Portage Ave.
Winnipeg, MB R3C 3X1
Phone: 204-982-9130
Fax: 204-942-7803
Toll Free in MB: 1-800-665-0531

www.ombudsman.mb.ca
ombudsman@ombudsman.mb.ca
Facebook: www.facebook.com/manitobaombudsman
YouTube: www.youtube.com/user/manitobaombudsman

Brandon Office
202- 1011 Rosser Ave.
Brandon, MB R7A 0L5
Phone: 204-571-5151
Fax: 204-571-5157
Toll Free in MB 1-888-543-8230