

Manitoba OmbudsNews

2019-2 Ombudsman, Whistleblower, Access and Privacy Newsletter

Meet our new ombudsman, Jill Perron

Jill Perron was sworn in as Manitoba's ombudsman on May 28, 2019. Prior to this appointment, she was the assistant deputy minister in Manitoba Families where she provided executive leadership to the Child and Youth Services Division and served as the director of child and family services and was a board member of the Manitoba Housing Renewal Corporation. Previously, she served as the acting assistant deputy minister of Manitoba Housing and Community Development, where she led the development of policy and strategic initiatives working in collaboration with federal and municipal governments, diverse local communities and their residents.

Jill has over 24 years of experience in public service, eight of which were spent in the Office of the Children's Advocate (now the Manitoba Advocate for Children and Youth) and Manitoba Ombudsman, dedicated to promoting good governance, quality service and the rights of citizens.

Jill holds a master of public administration degree from the University of Winnipeg, as well as a bachelor of social work degree and a bachelor of arts degree from the University of Manitoba.



Jill Perron and the Honourable Myrna Driedger



2018 annual report



2018

3,673 inquiries and complaints were received

INVESTIGATION NUMBERS

184	investigations from previous years carried into 2018
401	investigations opened → 296 FIPPA and PHIA → 103 Ombudsman Act → 2 PIDA
371	investigations closed → 317 FIPPA and PHIA → 52 Ombudsman Act → 2 PIDA
214	investigations carried into 2019

Our annual report highlights the work and accomplishments of our office under the Freedom of Information and Protection of Privacy Act, the Personal Health Information Act, the Ombudsman Act and the Public Interest Disclosure (Whistleblower Protection) Act. It includes investigation statistics, case summaries and other notable happenings. The report is also available in French. You can read or download the report on our website. If you would like a print copy, or if you would like to be added to a mailing list for future annual reports, please contact our office.

New PIDA disclosure and reprisal forms

We're always looking for ways to make it easier to submit information to us. We recently updated our Public Interest Disclosure (Whistleblower Protection) Act (PIDA) online disclosure form and we've added some additional options:

- a revised 'flat' PDF form that you can print and fill out
- a new 'fillable' PDF form that you can save to your computer and fill out electronically

WHISTLEBLOWER

In 2018, we received **32** disclosures and complaints:
→ **31** disclosures of wrongdoing
→ **one** complaint of reprisal

Disclosure of wrongdoing forms are at www.ombudsman.mb.ca/disclosures/make-a-disclosure.html

Under PIDA, employees are protected from reprisal for seeking advice, making a disclosure or cooperating in an investigation into alleged wrongdoing(s). Reprisal could include any measure taken against an employee such as a disciplinary measure, a demotion, termination, or any measure to adversely affect employment or working conditions, including threats to do so. PIDA was amended, effective December 1, 2018, to enable the ombudsman to receive and investigate employee complaints of reprisal.

Reprisal complaint forms are at www.ombudsman.mb.ca/reprisals/reprisal-complaint-form.html

PHIA privacy breach report

We released an investigation report under the Personal Health Information Act (PHIA) related to the unauthorized disclosure of personal health information of 91 patients who received magnetic resonance imaging (MRI) scans within the Winnipeg Regional Health Authority (WRHA) between 2008 and 2016. The patients' health information was disclosed in violation of PHIA to several media organizations.

In light of the seriousness of this privacy breach, the ombudsman initiated an investigation in April 2017. We also received privacy complaints from some affected patients.

When we investigate a privacy breach, we review how the public body handled the breach, and in this case, we found that the WRHA responded appropriately. We were not able to determine the identity of the person(s) who made the unauthorized disclosures to media organizations, nor were we able to determine whether the breach originated within the WRHA. However, our review identified several measures that trustees should consider in an effort to minimize the

Report Under the Personal Health Information Act
Case 2017-0143: Winnipeg Regional Health Authority

Privacy Breach Investigation:
Use, Disclosure and Security of Personal
Health Information Relating to MRI Services

Report issued on April 10, 2019

Manitoba Ombudsman

PRIVACY BREACHES

In 2018, 30 privacy breaches were voluntarily reported to our office under PHIA and FIPPA:

- 20 involved personal health information and 10 involved personal information
- 15 were accidental, 8 were intentional, 6 were a result of theft and one was received from an organization not subject to FIPPA or PHIA

risk of intentional or inadvertent privacy breaches, such as limiting collection, use and disclosure to the minimum amount of personal health information necessary for the purpose and engaging the organization's privacy officer about decisions related to non-routine disclosures of personal health information. This report contains our comments on the measures that we believe can strengthen privacy practices and compliance with PHIA.

The report is available on our website at:

www.ombudsman.mb.ca/uploads/document/files/case-2017-0143-en.pdf

Process mapping workshop



In April 2019 our management team and some investigators participated in a facilitated process mapping workshop.

The group reviewed the concept of continuous improvement and how to identify and implement process improvements. Collaboratively, the group mapped out a number of internal business processes (covering the walls and windows of our boardroom with sticky notes), and identified critical steps and the process times of each of those steps. Areas for efficiencies were identified, creating opportunities to improve a number of our business processes. The efficiencies we identified in the training session are now set for implementation in a number of our current business processes.

This full day of learning helps to enhance our ability to meet one of our office goals – to provide timely and efficient service.

Thompson office

On April 16, 2019, we officially opened our Thompson office with the Manitoba Advocate for Children and Youth. Our very visible office sign was installed in early May – you can't miss us! Since opening we've handled lots of questions about who we are and what we do. Thank you to everyone who has taken a moment to stop by to find out more.

Find us in the **City Centre Mall** at 300 Mystery Lake Road – we're right in the mall across from the Corner Deli and adjacent to Safeway. Our hours are 9 a.m. to 5 p.m., Monday to Friday.



Upcoming events

September 23-24, 2019: 2019 Manitoba Connections Conference hosted by Verney Conference Management. See psimcc.ca/mb2019 for details.

September 22-28, 2019: Right to Know Week



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