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# Manitoba OmbudsNews

2019-4

Ombudsman, Whistleblower, Access and Privacy Newsletter

*Happy holidays*



*from all of us at  
Manitoba  
Ombudsman*



Ombudsman Jill Perron

Available in alternate formats upon request



## Fairness infographic

In the 2019-3 issue of *OmbudsNews*, we introduced our new series of infographics by highlighting the first three -- **your access to information rights** (under FIPPA), **your personal health information rights** (under PHIA) and **your right to know**. This time, we're happy to share our newest infographic called **all about fairness**.

Here at the ombudsman's office, we often deal with complaints from people who believe they've been treated unfairly. Understanding the language of fairness can help people explain what they mean when they think a decision or action is unfair. Do they have a concern about process (the way a decision was made), about the decision itself, and/or about the service they received? We also want decision makers to use these ideas about fairness to help make decisions and take actions that are fair and reasonable.

The fairness infographic is at: [www.ombudsman.mb.ca/uploads/document/files/fairness-infographic-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/fairness-infographic-en.pdf)

Please post and share!

## New complaints page on our website

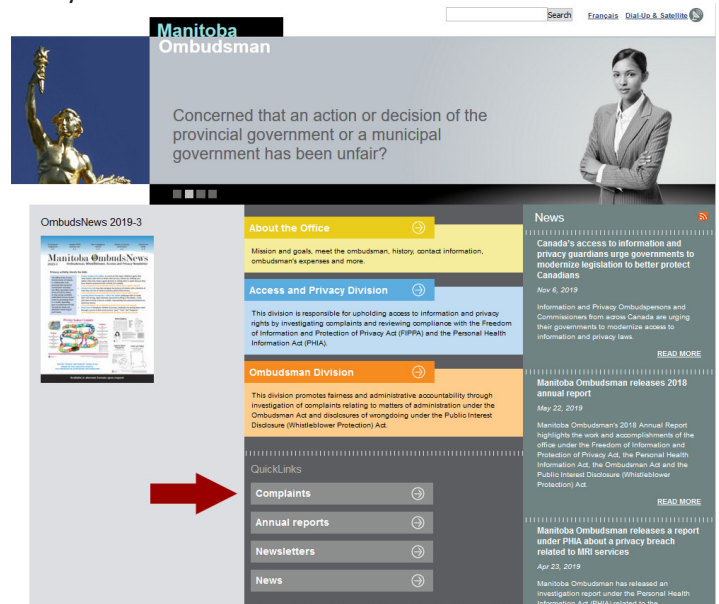
Manitoba Ombudsman handles four broad categories of complaints about Manitoba public bodies:

- Complaints about provincial and municipal government **administration**
- Disclosures of **wrongdoing** in the public service and complaints about **reprisal**
- Complaints about **access to general information** or your own **personal information** held by public bodies and **protection of the privacy** of your personal information
- Complaints about **access to your own personal health information** held by public bodies and trustees and **protection of the privacy** of your personal health information

It's important for people to know what type of complaint they want to make because:

- each type of complaint has different requirements – some must be made on a specific form, while for others, there are options (for example, they can use our online form or write a letter)
- we gather different information (we ask different questions) depending on the type of complaint
- our jurisdiction (which public bodies can be complained about) changes, depending on the type of complaint

To make it easier to navigate our website and find the right complaint form along with important information about making each type of complaint, we have created a new complaints page on our website. If you want to make a complaint or you refer people to our website, look for the "complaints" quick link right on our main page at [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca).



## New investigation report

**FIPPA Case 2018-0112:** Manitoba Growth, Enterprise and Trade refused access to part of a record on the basis that it would reveal labour relations information supplied by a third party in confidence. The ombudsman found that the provision relied on by the department did not apply to the withheld information and the complaint was supported. The department agreed to release all of the previously withheld information.

[www.ombudsman.mb.ca/uploads/document/files/case-2018-0112-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/case-2018-0112-en.pdf)

## New practice notes

If you deal with personal and/or personal health information as part of your work, you will be interested in our 5-minute privacy checklist self-assessment tool. The self-assessment tool is available in two of our new practice notes:

- [5-Minute Privacy Checklist: Personal Health Information](#) (the PHIA only version)
- [5-Minute Privacy Checklist: Personal and Personal Health Information](#) (the combined FIPPA and PHIA version)

Each practice note has a series of yes/no questions designed to get employees thinking about how they handle personal and/or personal health information. A “no” answer to any of the questions is a sign that information may not be secure and that action may be required.

Under PHIA, trustees and their employees are responsible for protecting personal health information, which includes adopting reasonable safeguards that ensure the confidentiality and security of personal health information. FIPPA also requires public bodies and their employees to protect personal information by making reasonable security arrangements.

PHIA version: [www.ombudsman.mb.ca/uploads/document/files/pn-5-minute-privacy-checkup-phia-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/pn-5-minute-privacy-checkup-phia-en.pdf)

FIPPA/PHIA version: [www.ombudsman.mb.ca/uploads/document/files/pn-5-minute-privacy-checkup-fippa-and-phia-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/pn-5-minute-privacy-checkup-fippa-and-phia-en.pdf)

### MANITOBA OMBUDSMAN PRACTICE NOTE

Practice notes are prepared by Manitoba Ombudsman to assist persons using the legislation. They are intended as advice only and are not a substitute for the legislation.

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#### 5-MINUTE PRIVACY CHECKUP: PERSONAL HEALTH INFORMATION

Trustees and their employees are responsible for protecting personal health information by adopting reasonable administrative, technical and physical safeguards, as required by the Personal Health Information Act (PHIA). Privacy breaches can result from inadequate safeguards that expose personal health information to various risks, including unauthorized use or disclosure, or loss or theft.

This 5-minute privacy checklist is a self-assessment questionnaire about your day-to-day habits and security measures intended to help you safeguard personal health information. A “no” answer to any of the following questions is a warning sign that information may not be secure and that action may be required.

Periodic checkups can help strengthen privacy protection and security of personal health information. This questionnaire can be completed at regular intervals, such as when conducting an audit of security safeguards in accordance with subsection 8(1) of the Personal Health Information Regulation.

| TRAINING AND KNOWLEDGE   | YES                      | NO                       |
|--|--------------------------|--------------------------|
| Have you completed training on privacy and security of personal health information?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Do you know the circumstances in which you have authority under PHIA to collect, use or disclose personal health information?                      | <input type="checkbox"/> | <input type="checkbox"/> |
| If you have authority to collect, use or disclose personal health information under PHIA, do you know the limits and conditions of that authority? | <input type="checkbox"/> | <input type="checkbox"/> |

| PHYSICAL SECURITY   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| At your workspace, do you store personal health information in a locked cabinet?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Do you lock your cabinet or office door whenever leaving your workspace for an extended period of time, such as for a meeting or lunch? | <input type="checkbox"/> | <input type="checkbox"/> |



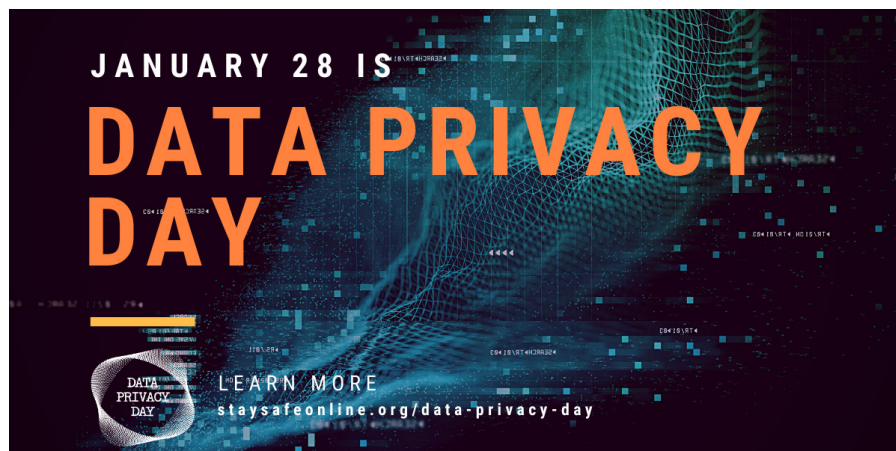
## Upcoming Brown Bag Talk

Please join us on Data Privacy Day, Tuesday, January 28, 2020, for a Brown Bag Talk on the [5-Minute Privacy Checklist](#).

Brown Bag Talks are held in our boardroom at 750-500 Portage Avenue. Seating is limited to 25 participants although more can be accommodated through teleconference. Reserve your spot by contacting our office at 204-982-9130 or 1-800-665-0531.

## Data Privacy Day

On January 28, many people and organizations around the world celebrate **Data Privacy Day**. Data Privacy Day highlights the impact technology is having on our privacy rights and reminds us about the importance of valuing and protecting personal information. It aims to inspire dialogue and empower individuals and organizations to take action.



Not sure what action to take, but know that you want to be more **#PrivacyAware**? Consult some of these websites for information and ideas.

The official Data Privacy Day website:  
[staysafeonline.org/data-privacy-day/](https://staysafeonline.org/data-privacy-day/)

Office of the Privacy Commissioner of Canada: For Individuals:  
[www.priv.gc.ca/en/for-individuals/](https://www.priv.gc.ca/en/for-individuals/)

Office of the Privacy Commissioner of Canada: For Businesses:  
[www.priv.gc.ca/en/for-businesses/](https://www.priv.gc.ca/en/for-businesses/)

Manitoba Ombudsman: Access and Privacy Division:  
[www.ombudsman.mb.ca/info/access-and-privacy-division.html](https://www.ombudsman.mb.ca/info/access-and-privacy-division.html)



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