

# Manitoba Ombuds News

## 2020-2 Ombudsman, Whistleblower, Access and Privacy Newsletter

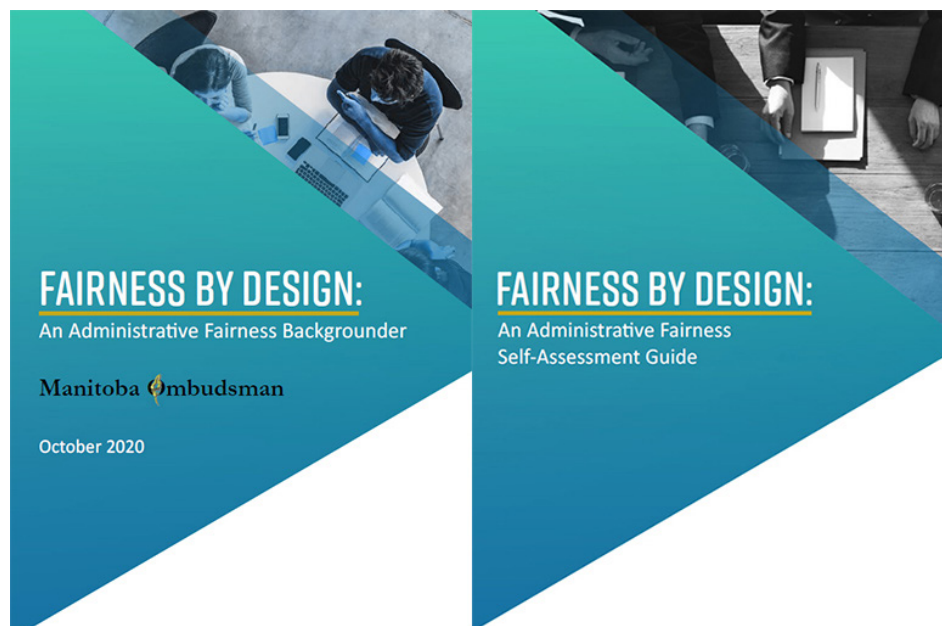
### Fairness by Design

On October 8, our office celebrated international Ombuds Day by releasing Fairness by Design – two documents intended to assist public servants with incorporating fairness into the design and delivery of programs and services.

Ombudsman offices have an important, proactive role to play in promoting good governance and ensuring citizens are treated fairly in their interactions with public services. By developing and sharing practical guidance tools such as Fairness by Design, we can build a common understanding about fairness that can strengthen the delivery of public services and help prevent complaints.

Fairness by Design has two parts:

- A backgrounder, developed by Manitoba Ombudsman, that sets out what administrative fairness is and why it's important. **Fairness by Design: An Administrative Fairness Backgrounder** is at: [www.ombudsman.mb.ca/uploads/document/files/fairness-backgrounder-mb-web-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/fairness-backgrounder-mb-web-en.pdf)
- A self-assessment guide, developed by parliamentary ombuds from across Canada, that can be used to evaluate the fairness of existing or new systems, policies and practices. **Fairness by Design: An Administrative Fairness Self-Assessment Guide** is at: [www.ombudsman.mb.ca/uploads/document/files/fairness-by-design-web-en.pdf](http://www.ombudsman.mb.ca/uploads/document/files/fairness-by-design-web-en.pdf)



### About Ombuds Day

Ombuds Day is celebrated by ombuds offices around the world on the second Thursday of October. Ombuds Day serves as an opportunity to educate and raise awareness about the history and practices of the ombuds profession. “Ombuds” is the general term used to refer to an ombudsman or ombudsperson.

## 2019 annual report



# 2019

INVESTIGATION NUMBERS

**199** investigations from previous years carried into 2019

**539** investigations opened  
 → 429 FIPPA and PHIA  
 → 104 Ombudsman Act  
 → 6 PIDA

**435** investigations closed  
 → 379 FIPPA and PHIA  
 → 55 Ombudsman Act  
 → 1 PIDA

**303** investigations carried into 2020

4,095 inquiries and complaints were received

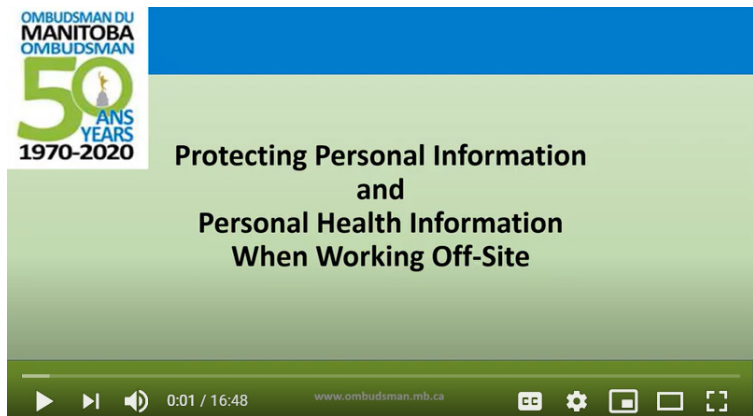
We recently released our 2019 annual report, which quantifies contacts to the office, identifies challenges and changes in operations and highlights education and outreach efforts. It also features case summaries and detailed statistics on the office's work under FIPPA, PHIA, the Ombudsman Act and PIDA.

The report is available in English and French on our website. Bilingual print copies are available by contacting our office at 204-982-9130, 1-800-665-0531 or [ombudsman@ombudsman.mb.ca](mailto:ombudsman@ombudsman.mb.ca).

Did you know that the United Nations has recognized the importance of an independent ombudsman? The UN resolution, adopted by the UN General Assembly on December 16, 2020, represents a strong endorsement of the key principles of ombudsman institutions, including independence, objectivity, transparency, fairness and impartiality. It is an important step in securing worldwide recognition for the work of ombudsman institutions in promoting good administration, human rights, good governance and the rule of law.

## New YouTube video

If you missed our Brown Bag Talk on September 17, 2020, about protecting personal and personal health information when working off site, a 16:49-minute version of the talk is available on our YouTube channel. This is a timely topic since more employees are working remotely during the pandemic. Watch the video at: <https://youtu.be/zWcG1o3PKXg>



Protecting personal information and personal health information when working off-site

## New investigation reports on our website

### FIPPA Reports

**Case 2020-0364:** An individual made a FIPPA request to Manitoba Executive Council (MEC). Three months later, MEC issued a fee estimate, which the individual paid. After more time passed, the individual made a complaint to the ombudsman about MEC's lack of response. Our office found that MEC did not comply with the time limit for responding to the access request and it did not uphold its duty to assist the applicant. The ombudsman recommended that MEC make an access decision by November 30, 2020, and provide a copy of that decision to the complainant and our office. MEC responded to our office on November 27, 2020, accepting the recommendations. MEC made an access decision on December 4, 2020.

**Case 2020-0645:** The Winnipeg Regional Health Authority (WRHA) received a request for personal care home standards inspection reports for a five-year period. The WRHA refused access to seven reports on the basis that disclosure would harm the business interests of third parties. The ombudsman found that this FIPPA exception did not apply because the reports would not reveal commercial information supplied by a third party on a confidential basis and treated consistently as confidential by the third party. We provided our analysis and conclusion to the WRHA to review and consider. Manitoba Health, Seniors and Active Living decided to publicly post personal care home standards inspection reports online by proactive disclosure, and the WRHA revised its decision and released copies of the seven reports to the complainant on the basis that these reports will be publicly available within 90 days. As we found that the personal care home standards inspection reports were not subject to the exception cited by the WRHA, the complaint is supported. Given that the WRHA has released the remaining reports in full to the complainant as these reports will be made publicly available, no further action is required.

**Case 2019-0556:** The City of Winnipeg – Winnipeg Police Service (WPS) received a request for Professional Standards Unit records about officers accused of impaired driving from January 1, 2017, to present. The WPS refused access on the basis that the records contain personal information of third parties and release of the information would be an unreasonable invasion of privacy. The ombudsman determined that the decision to refuse access was authorized and the records could not reasonably be severed. The complaint was not supported.

FIPPA investigation reports are on our website at:

[www.ombudsman.mb.ca/documents\\_and\\_files/investigation-reports.html](http://www.ombudsman.mb.ca/documents_and_files/investigation-reports.html)

### Ombudsman Act Report

**Case 2018-0338:** Our office received a complaint about how Manitoba Sustainable Development (now Conservation and Climate) communicated soil test results showing elevated levels of lead and other toxic metals in the Dufresne neighbourhood of the south St. Boniface area in Winnipeg. In this case, we recommended that the department of Sustainable Development (now Conservation and Climate) work with the department of Health, Seniors and Active Living to finalize the content of a cross-departmental communications protocol as soon as possible to ensure future environmental test results are shared with affected individuals in a timely manner. The department accepted the recommendation.

Ombudsman Act investigation reports related to Manitoba government departments and agencies are on our website at: [www.ombudsman.mb.ca/documents\\_and\\_files/provincial-investigation-reports.html](http://www.ombudsman.mb.ca/documents_and_files/provincial-investigation-reports.html)



## Coming soon! 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.

Join privacy practitioners from across the country from February 1 to 4, 2021, for an **online 2021 Data Privacy Week event hosted by the Public Service Information Community Connection (PSICC)**. On February 2, the event is free and open to the public. For more information and to register, visit: <https://psimcc.ca/data2021/>



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Manitoba Ombudsman is an independent office of the Legislative Assembly of Manitoba that promotes and fosters openness, transparency, fairness, accountability and respect for privacy in the design and delivery of public services. The office investigates complaints about access to information and privacy matters, the fairness of government actions and decisions, and serious wrongdoings that may have occurred.

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Office of the Privacy Commissioner of Canada



"I FINALLY FOUND MY OWN IDENTITY...  
AND SOMEBODY STOLE IT!"