



**MANITOBA
OMBUDSMAN**

**2023-24
ANNUAL REPORT**



MANITOBA OMBUDSMAN

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The Honourable Tom Lindsey
Speaker of the Legislative Assembly
Room 244 Legislative Building
Winnipeg, MB R3C 0V8

Dear Mr. Speaker:

In accordance with section 42 of the Ombudsman Act, subsection 58(1) of The Freedom of Information and Protection of Privacy Act, subsection 37(1) of The Personal Health Information Act and subsection 29.2(1) of The Public Interest Disclosure (Whistleblower Protection) Act, I am pleased to submit the annual report of Manitoba Ombudsman for the 12 months of April 1, 2023 to March 31, 2024.

Yours truly,

Jill Perron

Manitoba Ombudsman



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If you have comments or questions about the 2023-24 Annual Report, please send them to ombudsman@ombudsman.mb.ca.

Available in alternate formats upon request.



OMBUDSMAN'S MESSAGE

I am honoured to serve as Manitoba's ombudsman and am pleased to present my office's 2023-24 Annual Report.

This annual report is an important opportunity to inform the public about our services and to communicate with legislature about our office's operations and the progress we have made in fulfilling the broad responsibilities under The Ombudsman Act, The Freedom of Information and Protection of Privacy Act (FIPPA), The Personal Health Information Act (PHIA) and The Public Interest Disclosure Act (PIDA). Summaries of our resolution activity, completed investigations, statistics, outreach, education and collaborative efforts are shared to help illustrate the breadth and value of the work we undertake throughout the year.

In 2023-24, our office managed more than 4,000 inquiries and complaints. A significant number of those matters were resolved by our early resolution and intake staff who help people navigate or resolve concerns with public entities, learn about other complaint processes and gain access to the services they need. Other concerns are addressed through investigations that confirm compliance with legal or policy requirements or fair processes, recover a right, recommend improvement in administration, and promote principles in fairness and fair information practices that benefit Manitobans.

We opened 233 new investigations this year, in addition to continuing investigations carried over from the previous year. The number of investigations opened under The Ombudsman Act and FIPPA increased over the prior year. There



OMBUDSMAN
JILL PERRON

was also a 12 per cent increase in the number of privacy breaches reported by public bodies and trustees.

PRIVACY IMPACTS

The reporting of privacy breaches by public bodies and trustees is a critical activity demonstrating accountability for the management of personal and personal health information entrusted to their care by citizens. Mandatory and voluntary privacy breach reporting has resulted in increases in the number of breaches being reported over the past two years, from 56 in 2021-22, to 78 in 2023-24.

Our report highlights the types of privacy breaches that occur as well as the outcomes of our reviews which serve to strengthen safeguards and improve privacy protection practices of public entities and trustees such as health-care staff.

Employee snooping has continued to occur. Our office laid charges under The Personal Health Information Act for the third time. The outcome of that case can be found later in this report.

In addition to privacy breach reporting, public body and trustee requests for informal consultation on challenging access and privacy issues or requests to review privacy impact assessments for compliance with FIPPA and PHIA, is an area of growing demand our office has needed to adapt and respond to. This increase highlights that public entities are proactively considering how they protect the personal and personal health

information of Manitobans in the design and delivery of new and existing programs.

Manitoba's COVID-19 vaccine card illustrates the importance of having a privacy impact assessment to understand the implications of initiatives on people's personal health information and privacy. We reviewed the implementation, duration and deactivation phases of the card program to assess if it complied with privacy legislation. We found that privacy considerations and legislative compliance were embedded throughout all phases of the program. This initiative was an example of employing a proactive approach to privacy management and maintaining a privacy focus at all phases of a new technology enabled public health initiative.

In our recommendation status report on Children's disABILITY Services, summarized later in this document, we found that only seven of the nine recommendations made in 2021 were fully implemented. We found the department needed to take further action to fully implement a privacy management program in the department and that it must strengthen its oversight of its agents and service providers to demonstrate to program participants that their personal and personal health information is being appropriately managed and safeguarded.

ADMINISTRATIVE FAIRNESS COMPLAINTS ABOUT MUNICIPALITIES

Municipal matters continued to account for a high volume of inquiries and complaints to our office under The Ombudsman Act.

Many of the complaints are concerned with the actions and decisions of council or their committees and whether they are following their own rules and policies for planning, tendering and procurement, permitting, or closing a meeting. In most cases, we are either able to resolve those concerns by verifying appropriate policies and by-laws are in place, or we can work with municipal staff to address the concern. Where our investigation findings support the complaint

against the municipality, we share best practices or make recommendations to improve compliance, fairness and accountability. The investigation case summaries included in our report demonstrate how municipalities applied or didn't apply their own policies.

Members of our team are available to share their knowledge, and we regularly attend municipal conferences or workshops to answer questions from municipal staff and councils.

EDUCATION & OUTREACH

We strengthened our efforts in reaching out to municipal public bodies, health trustees, community organizations and various communities in Manitoba. This year we completed more than 100 consultations and 50 outreach events to raise awareness about our office, and promote fairness, transparency and privacy protection principles in the administration of public services. Through the support and guidance of our Indigenous advisor and community connector, we are building respectful relationships by meeting with Indigenous leaders, communities and organizations and engaging in a dialogue where we can meaningfully exchange information. These discussions have deepened our learning and are building our capacity to enhance our services and ongoing engagement with Indigenous people. We are committed to advancing reconciliation and our work will continue to be guided by the calls to action and justice outlined in the Truth and Reconciliation Commission and Missing and Murdered Indigenous Women and Girls Inquiry reports.

SERVICE PLAN

Prioritization and management of intake and investigations is supported by the continued implementation of our 2021-25 service plan. This year we focused on improving our services by reviewing our case management standards, sustaining efforts to reduce backlogs and improving our data analysis. We also strengthened our recruitment processes and increased our capacity for policy, research and legal analysis

and advice within our team. These are important activities to help us continue to be responsive to the needs of the public and public entities who contact us. Throughout the year we placed an emphasis on training and education opportunities for our staff, including specific cultural competency training. All these initiatives enable our office to continue to refine our citizen-centered service delivery model, adapt to growing demand for our services and fulfill the broad range of responsibilities under our mandates.

EVOLVING HOW WE SHARE INFORMATION

Through independent and impartial review of concerns, our work can bring about positive changes that strengthen and improve public services throughout Manitoba. It is critically important that we continually look for opportunities to improve on how our office adds value to the people of Manitoba. In March of 2024, we began launching a new look for Manitoba Ombudsman with a modern new logo reflecting the office's efforts to provide approachable and accessible client-centred service while being rooted in the mandates and authority of the Manitoba Ombudsman. Our public investigation reports and annual report formats have been updated to help readers more easily navigate information. New statistics and information will be incorporated into future annual reports to show more aspects of our work, demonstrate the value of independent oversight and strengthen our accountability to the legislative assembly and the public.

A 2020 United Nations resolution on the role of ombudsman and mediator institutions acknowledges the importance of the ombudsman institution in our democracy and its unique role in 'the promotion and protection of human rights, good governance and the rule of law.' The people of Manitoba continue to need an accessible avenue to help understand their rights and navigate complex and sensitive issues of privacy, access to information, administrative fairness in public services, transparency, accountability and public interest.

What you see in this report is a condensed snapshot of the full scope of work our office undertakes every day. We have an incredibly knowledgeable team who work diligently to serve Manitobans and to promote citizens' right of access to justice. It is an honour to work alongside a team that is deeply committed to our mission - to promote and foster openness, transparency, fairness, accountability and the respect for rights and privacy in the design and delivery of public services.

We look forward to continuing to promote the ombudsman's rich history of bringing value to the people of Manitoba.



**MANITOBA
OMBUDSMAN**



ABOUT MANITOBA OMBUDSMAN

ROLE, MANDATES AND JURISDICTION

The ombudsman is an independent, impartial and non-partisan officer that resolves concerns for citizens, promotes and protects citizen rights and encourages fairness, transparency and accountability in public programs.

The ombudsman performs an important role, providing oversight of government and public sector bodies in the interest of citizens and helping restore and maintain public trust and confidence in public systems.

The mandate and authority of the Manitoba Ombudsman is set out under four separate laws in Manitoba:

- The Ombudsman Act
- The Personal Health Information Act (PHIA)
- The Freedom of Information and Protection of Privacy Act (FIPPA)
- The Public Interest Disclosure (Whistleblower Protection) Act (PIDA)

These acts enable the ombudsman office to investigate complaints, conduct audits, make recommendations, educate the public, comment on privacy and fairness implications of new initiatives, and report publicly. The ombudsman can bring attention to significant systemic issues that may not have otherwise come forward.

Our office also monitors and reports publicly on the implementation of inquest report recommendations made under The Fatality Inquiries Act to determine if they were implemented, discontinued, or refused and why.

The jurisdiction of the ombudsman is different under each mandate. Oversight authority includes:

- Province of Manitoba Office of Executive Council
- Provincial government ministries
- Agencies, boards, commissions
- Authorities
- Crown corporations
- Cities, towns, and villages
- Municipalities and their council members
- Trustees responsible for the delivery of health-care services in Manitoba
- Other prescribed institutions under PIDA

MAKING A COMPLAINT TO THE OMBUDSMAN CAN:

- ✓ Give citizens an avenue to express concerns
- ✓ Provide an impartial perspective on an issue
- ✓ Help public bodies improve policies, procedures or practices
- ✓ Change the status quo
- ✓ Provide information about the public body's decisions and actions
- ✓ Increase public body compliance with access and privacy legislation
- ✓ Increase transparency, openness and accountability

WHAT WE DO

Manitoba Ombudsman receives complaints about information access and privacy, the fairness of government actions or decisions, and serious wrongdoings in the public service. We try to resolve citizen concerns at the earliest stage possible, and conduct independent, impartial and non-partisan investigations when needed. Services are free, confidential and respectful.

Investigations may be initiated from individual complaints or disclosures, reported privacy breaches, or on the ombudsman's own initiative. These investigations are led by trained investigators who collect and examine evidence, legislation, policy, and practices of the public body or trustee. As part of investigations, Manitoba Ombudsman makes impartial, independent and fair decisions and may issue recommendations to recover a right, provide a solution or outline necessary actions that will improve compliance or administration of public programs and services.

The team is comprised of people with backgrounds that include public administration, law, social work, journalism, public health, education, crisis management, and executive leadership. We value diversity in our professional and lived experiences that help us to meet the different needs of Manitobans that fall under our four distinct mandates.

We focus on the promotion of fairness, the protection of rights and the prevention and correction of maladministration. As part of our work, we educate Manitobans and public administrators on principles and best practices related to fairness, information access and privacy, and public interest disclosures through training, outreach and consultations. Manitoba Ombudsman promotes and upholds the requirement for Manitoba public services to act fairly and transparently and protect the privacy and interests of Manitobans.

MISSION

To promote and foster openness, transparency, fairness, accountability, and respect for privacy in the design and delivery of public services.

VALUES

INTEGRITY

Demonstrating the highest standards of professional and personal conduct and taking responsibility for our actions.

RESPECT

Treating all people with respect, dignity and courtesy, valuing diversity, fostering positive relationships, and being fair and consistent in our treatment of others.

INDEPENDENCE

Acting in the public interest in accordance with our statutory mandate and demonstrating neutrality and impartiality by ensuring that our actions are influenced by neither fear nor favour.

EXCELLENCE

Achieving the highest standards in the work that we do and adding value to the democratic process by facilitating interaction between the public and those who serve them.

2023-24 AT A GLANCE



56%
phone



25%
email



8%
website



9%
mail/in person
forms/fax

3,483 new cases

521 general inquiries

NEW CASES BY ACT*



61% Ombudsman Act - 2,148

13% FIPPA - 458

9% PHIA - 325

2% PIDA - 71

15% not our authority - 493

**more than one act may apply to a single case*



179
investigations
carried over from
2022-23



178
investigations
closed



78
reported
privacy breaches



10

inquest report
recommendations monitored
and reported on



50+

education and
outreach events

THE COMPLAINT PROCESS

For each citizen, the length of the process depends on the complexity of their matter, the responsiveness of stakeholders in the investigation, and the capacity of Manitoba Ombudsman at any point in time. We respect people's time and what is at stake for them and continuously strive to improve our service delivery.



INTAKE

Our early resolution and intake team responds to all calls, emails, mailed and in-person inquiries, complaints, and disclosures from the public. This team facilitates a simple, low-barrier pathway to initiating contact with our office. They receive formal complaints and answer general questions. If the complaint is within our authority/jurisdiction, the team undertakes an assessment to determine how we can help.



REFERRALS

If the complainant has not used all the options available to them, with the public body they are complaining about, we will suggest taking those steps first. If a complaint is not within our authority/jurisdiction, we may make appropriate referrals or suggest other possible resources or options.



EARLY RESOLUTION

We aim to resolve citizen complaints as early as possible. We make informal inquiries, review documentation, and work with the complainant and public bodies to help resolve the concern without a full investigation. We aim to resolve complaints that do not require a formal investigation within 90 days.



INVESTIGATION

If the complaint is not able to be resolved, the ombudsman may decide to open an investigation and an investigator is assigned to the case file. The public body or trustee is notified. In some cases, we may open ombudsman-initiated investigations into areas of recurring complaints or where concerns raised may suggest systemic maladministration. Investigators plan and undertake investigation activities and findings are documented.



REPORTS & MONITORING

When an investigation report is complete, details of the report are shared with the public body under investigation and relevant people involved. If the ombudsman believes the public would benefit from the report, it is published and posted to our website to be shared publicly. If a report includes recommendations for a public body or trustee, we monitor implementation and follow up to ensure outcomes reflect our intentions.

COLLABORATION, EDUCATION AND OUTREACH

INTERJURISDICTIONAL COLLABORATION

As part of national, collaborative conversations, Manitoba Ombudsman participated in ongoing meetings, working groups, and information exchanges with other ombuds and information and privacy commissioners and their staff. This included opportunities to collaborate on education and training through webinars and conferences. Annual meetings attended by Manitoba Ombudsman included the Canadian Council of Parliamentary Ombudsman (CCPO) from June 6 to 8 in Alberta, the public interest commissioners from September 19 to 21 in Prince Edward Island, and information and privacy commissioners from October 4 to 5 in Quebec. Manitoba joined other federal, provincial and territorial information and privacy



CCPO members from across Canada on June 5, 2023

commissioners and ombuds with privacy oversight to issue resolutions in 2023. These resolutions aim to bring awareness to current and developing access and privacy topics that impact citizens.

JOINT RESOLUTION

PRIVACY OF YOUNG PEOPLE

Youth have a right to privacy. All sectors, including governments and businesses, must put young people's interests first by setting clear limits on when and how their personal information may be used or shared. Our joint resolution recommended governments review, amend or adopt legislation as necessary to ensure it includes strong safeguards, transparency requirements and access to remedies for young people. We asked government institutions to ensure their practices prioritize a secure, ethical, and transparent digital environment for youth. We also asked organizations to implement seven recommended practices which

focus on the safeguarding of young people's data as well as empowering young people with the knowledge and agency to navigate digital platforms and manage their data safely, and with autonomy.



JOINT RESOLUTION

PRIVACY IN THE WORKPLACE

We asked governments to strengthen legislation and privacy protections for employees during a time when remote work and remote employee monitoring has increased. Our joint resolution recommends a collective effort from governments and employers to address statutory gaps, respect and protect employee rights to privacy and transparency, and ensure the fair and appropriate use of electronic monitoring tools and artificial intelligence (AI) technologies in the modern workplace. We provided detailed guidance for governments as well as employers on potential actions to address this evolving issue.

JOINT RESOLUTION

ENHANCE ACCESS TO GOVERNMENT INFORMATION

In the modern digital world, disinformation and misinformation spread quickly. It is important for Canadians to have access to official government records, including historical records, to maintain confidence in our democratic institutions. Our joint resolution asked federal, provincial and territorial governments to modernize their respective laws, policies, and information management practices, to strengthen access to information systems and support a culture of transparency across Canada. We emphasized the need to address challenges in delivering timely responses to access to information requests and identify alternatives mechanisms including proactive disclosure.

TRAINING, EVENTS & EDUCATION

As part of our goal to provide guidance and education on issues of fairness, information access and privacy, serious wrongdoing, and the role of the office, Manitoba Ombudsman delivers outreach, training and education across the province to facilities, public bodies and events.

We reach people in a variety of ways including formal presentations and training, conferences and tradeshows, and meetings about our services, role and timely issues facing communities or organizations.

Throughout the year, members of our team met with and provided education to individuals and groups across southern and northern Manitoba including community and municipal leadership, community organizations, health authorities, school districts, non-profit organizations and educational institutions. We also provided training for new public service employees including corrections staff and new interns across Manitoba government departments and the Legislative Assembly of Manitoba.

50+

We participated in more than 50 outreach events across the province during the year.



RECONCILIATION & INDIGENOUS COMMUNITY OUTREACH

Manitoba Ombudsman is committed to ensuring its services, staff and office operate in a way that acknowledges the long-standing impacts of colonial systems on First Nations, Métis and Inuit people in Manitoba.

As part of this commitment, the ombudsman office is making efforts to implement calls to action stemming from both the Truth and Reconciliation Commission (TRC) and Missing and Murdered Indigenous Women and Girls Inquiry as well as the United Nations Declaration on the Rights of Indigenous People.

Additionally, Manitoba Ombudsman considers the calls to action in the context of complaints and investigations. This includes increasing the cultural competency of the ombudsman workforce through training and education, ensuring Indigenous perspectives inform policies and practices of our office and increasing efforts to serve and engage with Indigenous communities and populations. Manitoba Ombudsman staff completed the University of Alberta Indigenous Canada program to complete Call 57 of the TRC Calls to Action.

Under the guidance of our Indigenous advisor and community connector, we visited several First Nations communities and engaged with Indigenous leadership, organizations and service providers in Manitoba to discuss the role of the office and learn more about current issues they may be facing.

Discussions included barriers frequently encountered when accessing public services and rights-based issues. In some cases, discussions led to the identification of potential complaints that our staff forwarded to our intake team. Some of these complaints may be featured later in this report and have been able to be resolved early or required an investigation.

NATIONAL CONSULTATION

During 2023, Manitoba Ombudsman participated in consultations with federal Ministerial Special Representative Jennifer Moore Rattray on the work to address Call for Justice 1.7 in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

This call requires federal, provincial, and territorial governments, in partnership with Indigenous Peoples, establish a National Indigenous and Human Rights Ombudsperson that has authority in all jurisdictions, and to also establish an Indigenous and Human Rights Tribunal.

Our office shared our provincial perspective and information on the ombudsman's independent oversight and best practices. We look forward to working collaboratively with a national Indigenous and Human Rights Ombudsperson to reduce jurisdictional barriers and create simple pathways to support and service for Indigenous people.





While visiting Sioux Valley Dakota Nation, our staff were invited to see the white buffalo who are part of a herd located in the community. The white buffalo is a sacred symbol for the Dakota.



INFORMATION ACCESS AND PRIVACY

THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA) & THE PERSONAL HEALTH INFORMATION ACT (PHIA)

The ombudsman investigates complaints from people who have concerns about any decision, act or failure to act relating to requests for information from public bodies or trustees, or concerns about the way their personal or personal health information has been handled.

For example, if a public body or trustee has:

- not responded to a request for access within the legislated time limit
- refused access to information that was requested
- charged an unreasonable or unauthorized fee related to the access request
- refused to correct the personal or personal health information as requested,
- collected, used, disclosed, or failed to protect personal or personal health information in a way that is believed to be contrary to FIPPA or PHIA

The ombudsman has additional duties and powers under FIPPA and PHIA to:

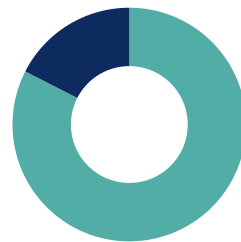
- audit to monitor and ensure compliance with FIPPA and PHIA
- comment on proposed laws or programs that may affect access and privacy rights
- comment on the use of information technology in the collection, storage, use or transfer of personal and personal health information
- inform the public about FIPPA and PHIA and receive comments from the public

FIPPA requires public bodies to provide access to information and protect the privacy of personal information in the records they keep. It applies to:

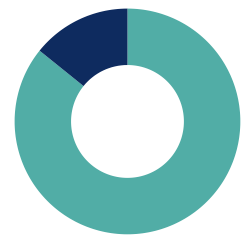
- provincial government departments, offices of the ministers of government, the office of the executive council, and agencies including certain boards, commissions or other bodies
- local government bodies such as municipalities, local government districts, planning districts, and conservation districts
- educational bodies such as school divisions, universities, and colleges
- health-care bodies such as hospitals and health authorities

PHIA provides people with a right of access to their personal health information held by trustees and requires trustees to protect the privacy of personal health information in their records. It applies to:

- public bodies (as set out for FIPPA)
- health professionals such as doctors, dentists, nurses, and chiropractors
- health-care facilities such as hospitals, medical clinics, personal care homes, community health centres, and laboratories
- health services agencies that provide health care under an agreement with a trustee

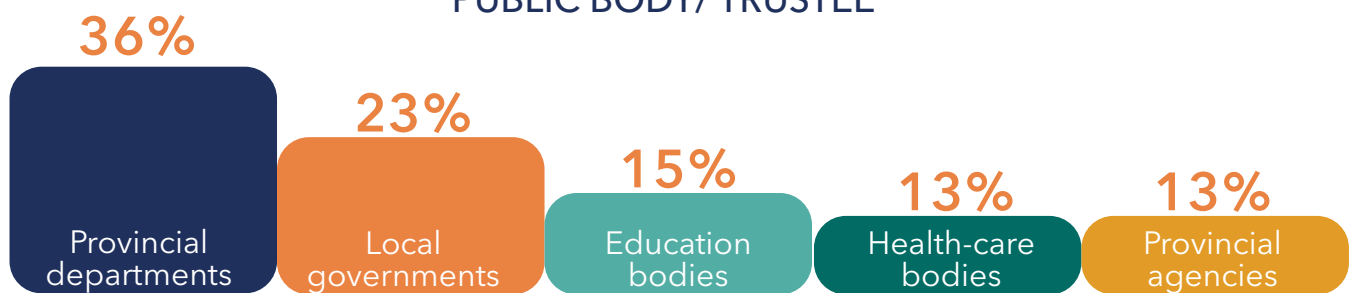


83%
about access to information
17%
about privacy of information

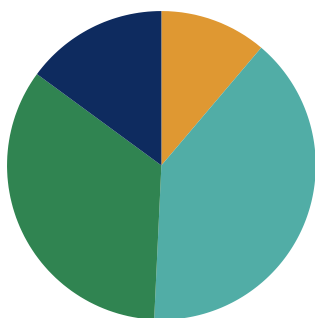


86%
under FIPPA
14%
under PHIA

FIPPA & PHIA COMPLAINT INVESTIGATIONS BY TYPE OF PUBLIC BODY/ TRUSTEE



OUTCOMES OF 134 COMPLETED COMPLAINT INVESTIGATIONS



- 40%** Resolved during the investigation, without the need to make findings, by investigators working with complainants and public bodies/trustees to address the complainants' concerns
- 15%** Supported in whole or in part, meaning there was substance to the complaint
- 34%** Not supported at all, meaning no aspect of the complainants' concerns were determined to be well-founded
- 11%** Discontinued or declined

	Opened	Closed	Declined or discontinued	Resolved	Not supported	Supported in part or in whole
Type of FIPPA Access Complaint						
Refused access	92	63	7	27	21	8
No response	23	17	-	10	1	6
Request was disregarded	6	15	2	4	9	-
Extension	5	2	-	-	2	-
Fees	3	1	-	1	-	-
Fee waiver	-	1	-	-	1	-
Third party consent	1	1	-	-	1	-
Adequacy of search	10	5	-	1	2	2
Other access matters	5	4	1	2	1	-
Correction	-	1	-	-	1	-
TOTAL	145	110	10	45	39	16
Type of FIPPA Privacy Complaint						
Collection		1	-	-	1	-
Disclosure	6	5	2	2	-	1
Use	5	5	1	-	2	2
Security	1		-	-	-	-
TOTAL	12	11	3	2	3	3

	Opened	Closed	Declined or discontinued	Resolved	Not supported	Supported in part or in whole
Type of PHIA Access Complaint						
No response	1	1	-	1	-	-
Correction	-	1	-	-	1	-
Adequacy of search	2	2	-	2	-	-
Other	2	-	-	-	-	-
Refused access	1	1	1	-	-	-
TOTAL	6	5	1	3	1	0
Type of PHIA Privacy Complaint						
Collection	-	1	-	-	-	1
Use	7	2	-	1	1	-
Disclosure	11	4	1	1	2	-
Security	2	1	-	1	-	-
TOTAL	20	8	1	3	3	1

For more detailed information about FIPPA and PHIA complaint investigations, please see the tables on pages 48-49.

ACCESS TO INFORMATION CASES

2023-24 TRENDS

- The majority of access complaints under FIPPA, 63%, were made about public bodies' decisions to refuse access to the requested records.
- 16% of access complaints under FIPPA were made about public bodies' non-compliance with legislated time frames to respond to access requests. In 2022, the time limit to respond to an access request increased from 30 to 45 days.
- The number of access complaints under FIPPA made about public bodies' decisions to disregard requests has declined from last year and made up 4% of access complaints.

OUTCOMES RESULTING FROM 2022 FIPPA AMENDMENTS

LONGER EXTENSIONS OF THE TIME LIMIT FOR RESPONDING TO REQUESTS

FIPPA requires public bodies to respond to submitted access requests within 45 days with an option to extend the time limit for an additional 30 days. If the public body cannot respond to the request within those 75 days, it may ask the ombudsman to approve a longer extension. Our office assesses the reasonableness of the request for a longer extension using the considerations that permit the public body to request the extension. We also consider whether the extension will enable a response that supports granting access to the information.

In 2023-24, we received 16 requests from public bodies for the ombudsman's agreement to a longer extension of which 15 were approved:

- five involved circumstances where the public bodies were consulting with third parties such as the federal government or private sector entities to seek consent to the release of information
- four involved a large number of records exceeding 1000 pages
- four involved circumstances where there was

both a large number of records and the need for a third-party consultation

- one involved consultation and a large number of requests made by the applicant
- one involved circumstances where there was a large number of records, large number of requests made and required consultation with third parties

Seeking authorization from our office for a longer extension is a time-sensitive process. In 2023-2024, the average time to provide a decision was 5.7 days.

To assist public bodies, we have:

- a Longer Extension Request Form, which can be filled out electronically and submitted by email or fax; and
- a practice note with detailed information.



These resources are found on our [website](#).

INVESTIGATION - REFUSED ACCESS

MANITOBA HEALTH AND SENIORS CARE

COMPLAINT PARTLY SUPPORTED 12(1)(C)(I) CONTENTS OF RESPONSE

Manitoba Health and Seniors Care refused an access request for briefing and advisory notes on the basis it conducted a search and determined the records requested did not exist within the department. Our investigation considered whether the department conducted a reasonable search prior to determining it was not able to locate records relevant to this request. We found the department's original search for records primarily focused on the department areas responsible for the preparation of briefing materials. Around the time the records were requested, we noted the former minister made statements in the media and

the legislative assembly on the topic. We provided this information to the department and asked whether it considered the possibility that briefing material may have been created by a regional health authority and submitted to the deputy minister's office. A subsequent search for records in the deputy minister's office located a briefing note containing information relevant to the request. A revised access decision was issued.

We concluded the complaint was partly supported because the department could have included the deputy minister's office in its original search.



The right of access to information extends to any record that is under the custody or control of a public body, not just those records created by the public body and could include records provided by outside individuals or bodies.

INVESTIGATION - REFUSED ACCESS

MANITOBA JUSTICE

COMPLAINT PARTLY SUPPORTED 23(1)(A) ADVICE TO A PUBLIC BODY 25(1)(A), 25(1)(C), 25(1)(K), 25(1)(I), 25(1) (N) DISCLOSURE HARMFUL TO LAW ENFORCEMENT

Manitoba Justice refused access to portions of records in six different access requests where the complainant requested copies of procedures and standing orders related to segregation, suicide prevention and other related topics. Manitoba Justice refused access to portions of the records under several different discretionary exceptions to access. During our investigation, we asked the department to provide information about the harm it believed would occur if access was granted to the redacted information. The department indicated the general principle is the department does not disclose policies, procedures, and forms that relate to the security of the correctional facilities.

Our office informed the department that a general principle against disclosure was not sufficient justification for a refusal of access and did not meet the test for discretionary exceptions to access as set out by the Supreme Court of Canada.

After several meetings with our office, and with input from the individual who made the request, the department issued a revised access decision. In this decision, the majority of the previously redacted information was provided. For the information that remained redacted, the department provided our office with an explanation that satisfied our office that there was a reasonable expectation of probable harm if the information was released.



Public bodies have a responsibility to ensure they are appropriately exercising their discretion when deciding what information to redact under an exception to access.

INVESTIGATION - REFUSED ACCESS

MANITOBA JUSTICE

COMPLAINT SUPPORTED 29.2(A) (B) WORKPLACE INVESTIGATIONS

Manitoba Justice refused access to reports relating to an incident that transpired in a public setting between the complainant and staff at Sheriff Services. The public body, in its initial response, refused access citing the records contain information that either relates to an ongoing workplace investigation and/or was collected for the purpose of the workplace investigation.

Our review found the majority of the redacted information was the employees' documentation about the behavior and conduct of the citizen involved in the incident, as opposed to the employment-related conduct of an employee. The notes or reports made by the employee were a description of what the complainant said and did when interacting with the sheriff's officers, and what was said in return which would already be known to the complainant. We did not agree that disclosure of this information could reasonably be expected

to cause harm to the individual, the public body, or a third party. We were also of the view that if a public body were to apply provisions of section 29.2 to notes or reports employees made about their interactions with members of the public, members of the public would not know what information was documented and would not have an opportunity to confirm if the information was accurate or complete from their perspective. We did not believe this would be consistent with the purpose of this exception to access under FIPPA. The public body agreed to reconsider its decision based on our feedback and gave access to much of the information that was initially withheld from the complainant on the basis of section 29.2.



In 2022, the amendments to FIPPA included workplace investigations as a new exception to access to information. This example serves as a reminder to public bodies to carefully consider not only the wording of the exception but also the purpose of the exception when deciding whether it should be applied in any particular case.

INVESTIGATION - REFUSED ACCESS

CITY OF WINNIPEG

COMPLAINT NOT SUPPORTED 28(1)(B) ECONOMIC AND OTHER INTERESTS OF A PUBLIC BODY

The City of Winnipeg granted partial access to records related to three properties owned by the city. It refused access to land valuation reports on the basis that disclosure could harm the technical, financial and negotiating positions of the city. Our investigation found that valuation reports contain narrative appraisal as well as technical and financial analysis and strategies that informed the city's decision making and negotiations relating to land transfer and eventual sale of these properties. We also found that the city intentionally requested staff

and contracted a licensed appraiser to produce a valuation of these properties for its internal purposes which gives the city proprietary interest and the right of use of the information about the three properties listed in the access request. We also became aware of an ongoing dispute and litigation regarding the sale and valuation of the properties. Considering the nature of the withheld information and the presence of an ongoing civil matter, we determined that the potential of harm proposed by the city is not speculative, and it is probable that disclosure of information could harm the city's economic, competitive and negotiating position both now and in the future. The city appropriately applied clause 28 (1)(b) and the complaint was not supported.

MANITOBA FAMILIES, MANITOBA HEALTH & MANITOBA JUSTICE

COMPLAINT NOT SUPPORTED 9 DUTY TO ASSIST AN APPLICANT RECOMMENDATION MADE

Departments of Health, Families and Justice refused access to a request for the digital calendars of a specific minister who had been appointed to each department during a four-year period. The public bodies refused access on the basis the records did not exist.

Our investigation focused on whether the public body fulfilled its duty to assist the applicant under section 9 of FIPPA and made every reasonable effort to search for and locate the records and whether their explanation was reasonable in the circumstance. Each department explained it no longer had access to their former minister's outlook account where the calendar records were maintained because the former minister's email account follows the individual from one portfolio/department to another, and the six-month period of delegated access to the account expired.

Our investigation established the ministers' offices no longer had access to their former ministers' calendars, no copies were retained and stored in an alternate digital format, and the account was not archived prior to its suspension and no longer existed.

The departments said records relating to specific meetings logged in the digital calendar are

retained and organized by subject, consistent with archiving schedules and the guidance provided the Archives of Manitoba. However, these records were no longer in the form of a chronological calendar.

Because ministers' calendars record the activities relating to departmental operations, policy, stakeholder relations and activities of government, we reviewed record-keeping schedules in each minister's office for reference to any type of record that might be considered a calendar. Only one of the department's schedules contained a reference to minister's "appointment books."

In this case, we found the public bodies made every reasonable effort to locate the requested records and gave reasonable explanations for why the records could not be found. However, the investigation noted concerns around the retention and organization of records which are critical to enabling governments to account for its actions.

We recommended these public bodies, in consultation with the Government Records Office of the Archives of Manitoba, review and modernize their record-keeping practices to ensure compliance with the intent of The Archives and Recordkeeping Act, including preservation of any digital information of archival value. The public bodies accepted the recommendation.



1 RECOMMENDATION

PRIVACY CASES

2023-24 TRENDS

- The volume of privacy breaches reported to our office by public bodies/trustees continues to increase and has almost doubled since 2020.
- Misdirected communications and theft continue to account for almost half of all privacy breaches reported to the office.
- Reported privacy breaches that were assessed as posing a real risk of significant harm account for almost half of the privacy breach reports submitted to the office. Public bodies and trustees continue to demonstrate their accountability by notifying affected individuals and voluntarily reporting privacy breaches to our office, even when not legally required to do so.

RECOMMENDATION MONITORING

MANITOBA FAMILIES CHILDREN'S DISABILITY SERVICES STATUS REPORT

In 2023, we released a recommendation implementation status report which assessed if Manitoba Families had implemented nine recommendations made in our 2021 privacy breach report on Children's disAbility Services (CDS). The 2021 systemic investigation report reviewed the circumstances surrounding the privacy breach of the personal health information of 8,900 service recipients (children and youth) of the CDS program operated by the department of Manitoba Families. The department had accepted all nine of our recommendations.

In 2022, we notified Manitoba Families that we would review actions taken since 2021 to fully implement the recommendations and monitor its implementation of security safeguards and comply with PHIA. We found seven out of nine recommendations had been implemented while the remaining two were partially implemented.

The department had taken many steps to strengthen its PHIA security safeguards to protect personal health information. It improved PHIA policies, staff training, recording of security

breaches, and tracking of staff training and PHIA pledge compliance.

However, at the time of our status report, we found the department needed to take further actions in relation to the protection of personal health information in the custody of its agents/ service providers. Manitoba Families and its service providers possess an enormous amount of Manitobans' personal health information under various programs. Manitoba Families needed to strengthen its oversight of service providers' compliance with privacy protection measures contained in its service purchase agreements. Additionally, the department needed to strengthen efforts to embed a culture of privacy by way of its privacy management program.

Given the significance of this issue, our office advised we would continue to actively monitor implementation of the two outstanding recommendations and publicly report on progress.



This case highlights the importance of strong privacy policies and practices that are engrained and maintained in order to prevent privacy breaches and protect the personal health information of service users.



The full status report is available on our [website](#).

INVESTIGATION

MEDICAL CLINIC PHIA CHARGES LAID FOR SNOOPING

In January of 2022, an individual contacted Manitoba Ombudsman to make a complaint about an unauthorized use of their personal health information by an employee of a medical clinic (a trustee under PHIA). The complainant was not and had never been a patient at this health-care facility.

Our office investigated the complaint and determined that an employee of the trustee had created a fake patient file for the complainant in the trustee's electronic patient record (EPR). The employee (the accused) then used the fake patient record to get access to the complainant's personal health information stored in eChart.

eChart is a secure electronic system that allows authorized health-care providers access to the personal health information of Manitobans when needed. eChart pulls together information from many existing systems in Manitoba, including filled drug prescriptions, lab results, immunizations and X-ray reports.

The accused accessed the complainant's personal health information 32 times over 26 different days between December 15, 2020 and April 14, 2021. On January 29, 2024, Manitoba Ombudsman laid three charges against the accused under The Personal Health Information Act (PHIA):

- Unauthorized use of personal health information by an employee of a trustee under clause 63(2)(b) of PHIA.
- Obtaining personal health information by falsely representing that they were entitled to the information, under clause 63(1)(d) of PHIA.
- Knowingly falsifying personal health information under clause 63(1)(f) of PHIA.

On July 23, 2024, the accused entered a guilty plea to the charge of unauthorized use of personal health information by an employee of a trustee. The remaining two charges were stayed by the Crown Attorney. The maximum penalty for an offence under PHIA is a fine of \$50,000. In this case the Crown Attorney recommended a fine of \$7,000.00. The judge agreed to the sentence suggested by the Crown Attorney and gave the accused three years to pay the fine. Under PHIA, it is an offence for an employee to willfully use, gain access to, or attempt to gain access to another person's personal health information, contrary to the act. This is the third time our office has laid charges under PHIA and the third conviction.



This case serves as a reminder that health facilities and their employees are entrusted to manage the personal health information of Manitobans and there are consequences in accessing or using this information in an unauthorized way.

EARLY RESOLUTION

MANITOBA JUSTICE CORRECTIONAL CENTRE

ACCESSING PERSONAL HEALTH INFORMATION

An inmate called and explained that he was experiencing difficulties gaining access to his personal health records. The inmate was frustrated as he had tried multiple times to request access to his personal health information and was told by staff members that he needed to have his lawyer

file the PHIA request on his behalf. The inmate did not have a lawyer. Under PHIA, an individual has a right to examine and receive a copy of his or her personal health information maintained by a trustee. Legal representation to obtain those records is not required. We contacted the public body (the superintendent) on the inmate's behalf, and he was later able to get his PHIA request processed.

MANITOBA HEALTH AND SENIORS CARE, SHARED HEALTH & OTHER PARTNERS

MANITOBA HEALTH COVID-19 IMMUNIZATION CARDS

In 2023, we released our report on the privacy implications of the Manitoba immunization card. The cards were implemented and used by Manitobans as proof they were fully vaccinated against COVID-19.

We launched our review in 2021, and our review continued throughout the time period in which the card was in use and after its deactivation.

Our review looked at legislative authority to use and disclose personal health information (PHI) in the creation of a card, who collected PHI as a result of card use, informed consent of card users, retention and destruction of PHI, as well as security safeguards and if there was secondary use of collected data.

Additionally, we provided guidance and consultation at the outset of this initiative, emphasizing the importance of having a privacy impact assessment and a legal and policy framework established as part of planning and implementation.

We found the Manitoba immunization card was compliant with PHIA in the development, implementation and deactivation phases of the initiative. We found the collection, use and disclosure of personal health information for the initiative was authorized under PHIA, including

being limited to the minimum amount reasonably necessary to accomplish the purpose. We also found the trustees took appropriate measures to protect and secure the personal and personal health information of Manitobans, adopting specific safeguards that ensure the confidentiality, accuracy, security and integrity of the information as required by law.

It was evident that trustees employed a strong privacy management approach in their work and designed the Manitoba immunization card and verifier applications with privacy in mind. We were pleased to see citizen participation was based on active and informed consent. Our detailed findings are available in our comprehensive report on our website.

As more organizations use technology to innovate and deliver services, a privacy impact assessment is an important tool that can assist a trustee to anticipate and prevent potential risks to privacy when developing or evaluating a program or service. It is a proactive approach to privacy that demonstrates to citizens that their personal information is being appropriately managed and safeguarded.



This case highlights the need to centre privacy considerations at all stages of new initiatives that involve the use of PHI.



The full report is available on our [website](#).

PRIVACY BREACH REPORTING

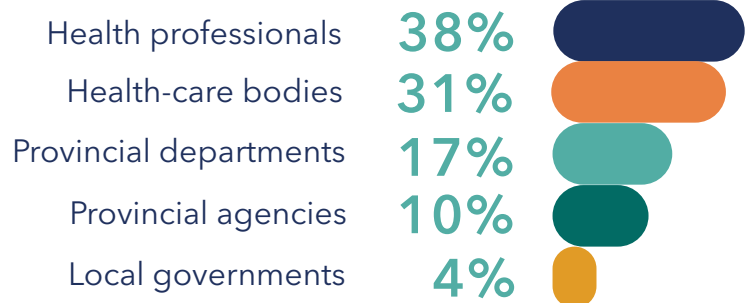
When a public body or trustee determines a privacy breach poses a real risk of significant harm to affected individuals, the public body or trustee must notify the affected individuals and the ombudsman. When a breach occurs, it is critical the organization responds immediately. We encourage proactive notification to affected individuals as a good practice even if a breach is not felt to pose a real risk of significant harm as well as proactive reporting of breaches to our office. Voluntary reporting of breaches to our office serves to promote transparency and accountability and can be particularly beneficial where the public body or trustee is uncertain about its assessment of risk or where there is a likelihood that affected individuals may make complaints to our office. In 2023-24, 78 privacy breaches were reported to our office, and we completed reviews of 80 privacy breaches. By comparison, in 2022-23, 69 breaches were reported, and in the 15-month reporting period from 2021-22 there were 56.



21
FIPPA
related

57
PHIA
related

PRIVACY BREACHES BY TYPE OF PUBLIC BODY/TRUSTEE



OUTCOMES OF PRIVACY BREACH REVIEWS



56 Notify affected individuals

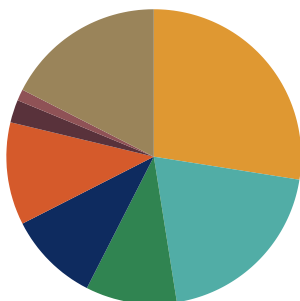
53 Administrative safeguards

9 Physical safeguards

11 Technical safeguards

**each breach may have multiple outcomes*

TYPES OF PRIVACY BREACHES



28% Misdirected communication	10% Loss
20% Theft	10% Snooping
18% Other	3% Cyberattack (includes hacking, ransomware etc.)
11% Unauthorized disclosure	1% Unauthorized disposal

The most common causes of privacy breaches are a result of human error or a gap in understanding about the legal requirements for appropriate safeguards. These include:

- misdirected communications occurring when people fail to verify the mail/email addresses of intended recipients or the correct attachments prior to sending correspondence
- theft of electronic devices containing personal and personal health information occurs when employees inadvertently leave devices visible inside an unattended vehicle
- employee snooping/inappropriately accessing records

We also reviewed 10 privacy breaches under PHIA where the reports resulted from audits of a health records databases revealing employees looked up or made entries in their own records.



This highlights the need for strong administrative safeguards as well as ongoing education, guidance and employee communications about risks to privacy and appropriate use of systems and decision-making in handling the personal and personal health information entrusted to them.

After receiving a privacy breach report, we conduct a review and apply the following framework consistently.

- We determine if the public body or trustee took all reasonable steps to respond to the breach.
- We assess the public body or trustee's compliance with legislation and regulation for determining real risk of significant harm, and the form and manner by which affected individuals were notified.
- We identify gaps in the response and ask the public body or trustee to address them.
- We may give guidance and make recommendations, if needed, for appropriate action.

PRIVACY BREACH REVIEW

MEDICAL CLINIC

A medical clinic reported a privacy breach to our office when the clinic discovered an employee had inappropriately accessed the personal health information of 11 individuals using the clinic's electronic medical record (EMR) system. This breach was discovered through an EMR audit for the period of December 1, 2021 to December 31, 2021.

The clinic explained the unauthorized disclosure included the personal health information of 11 clinic employees including, name, address, personal health identification and registration numbers, and medical information. In one instance, the clinic advised an employee's prescription was accessed but not manipulated. Upon completing its assessment of the breach, the clinic notified the affected individuals in writing two weeks prior to notifying our office.

In our review of the breach, we noted the employee advised they accessed the EMR and disclosed this personal health information for a different purpose than it was collected for. The employee claims the disclosure related to a ProtectMB Community Outreach and Incentive Grant, to encourage COVID-19 vaccinations within the community. Although the employee stated the information was necessary for the clinic to receive the grant, the clinic later determined that this personal health information was in fact not required by ProtectMB, as was alleged by the employee.

The clinic responded appropriately to the breach and took additional steps to enhance technical safeguards that reduced the likelihood of inappropriate access to personal health information within its EMR system. The clinic also reinforced the requirement for privacy protection safeguards through training with its employees.

WINNIPEG REGIONAL HEALTH AUTHORITY

On June 22, 2022, the Winnipeg Regional Health Authority (WRHA) reported a privacy breach to our office. The breach was identified on June 1, 2022, when a direct service staff worker (the employee) went to submit their daily visit summary (DVS) sheet for May 13, 2022, and noticed it was missing. The employee believed they accidentally disposed of the DVS sheet at a car wash when cleaning the interior of their car.

The WRHA explained the unauthorized disclosure included the personal health information of 14 clients including names, gender, date of birth, address, phone number, door lock box entry codes, task codes for care being provided at the visit, and the case coordinator's name and phone number.

In assessing the risk to their clients, the WRHA noted that a portion of the lock box codes were protected and not obviously interpretable. This measure was implemented to protect clients should documents be misplaced or stolen. This system was in place for 10 of the 14 clients. The DVS sheet

contained building entry codes and instructions on how to access the residences of the four remaining clients. Upon completing its assessment that the breach posed a real risk of significant harm, the WRHA notified the affected individuals verbally on June 3, 2022, and in writing on June 15. Building management was also contacted to change the building entry code. The WRHA also took steps to update the information and implement the code protection system for the four clients.

In our review of the circumstances of the breach, the trustee's immediate response and the subsequent steps taken by the trustee to prevent a recurrence of a similar breach, we noted the WRHA responded quickly to the breach and strengthened the physical safeguards for its clients. It also took appropriate steps to reinforce its administrative safeguards by reviewing its policy/procedures with the employee to ensure they follow applicable policy and best practices to secure clients' personal health information when transporting it outside of the office.

CONSULTATIONS AND GUIDANCE FOR PUBLIC BODIES

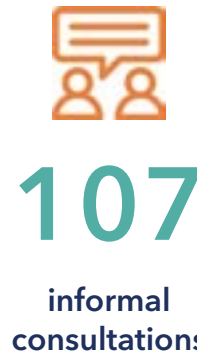
Public bodies and trustees contact our office for guidance to assist them in dealing with challenging access and privacy issues. Our discussions are focused on promoting best practices and identifying resources such as investigation reports, practice notes or other tools on our website, to assist them in their decision-making process. We also proactively engage with public bodies and trustees when we become aware of new initiatives or programs with potential privacy implications. This helps us learn about the initiatives and understand the steps being taken by the public body or trustee to address any privacy implications. These informal consultations and outreach activities may help improve compliance with the requirements of FIPPA and PHIA and prevent complaints being made to our office. Improved compliance better serves Manitobans by upholding their access and privacy rights leading to improved public trust and confidence in public services. During 2023-24, we had 107 informal consultations about access and privacy matters. In total, 45 informal consultations related to matters under FIPPA, and 62 related to matters under PHIA, and one related to an access and privacy matter that did not fall under FIPPA or PHIA¹.

79 consultations involved privacy matters, including:

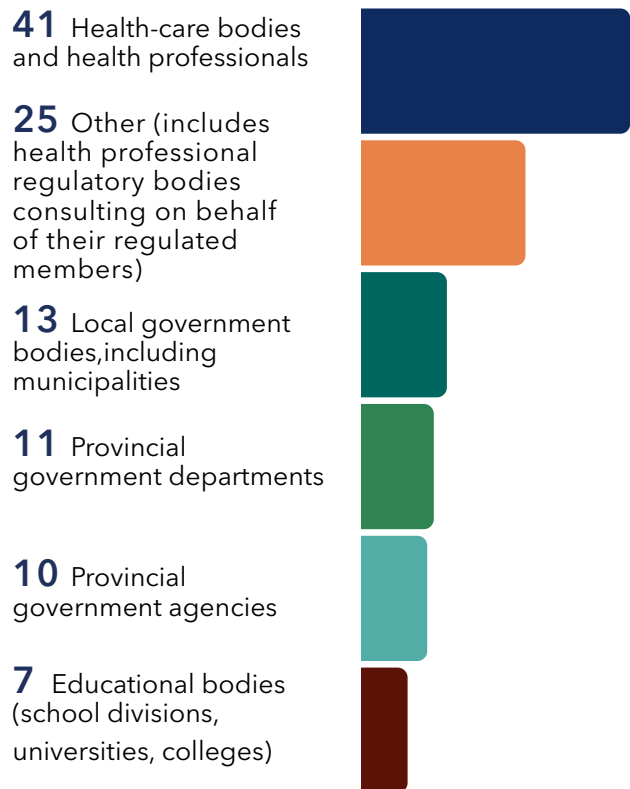
- Factors to consider in interpreting/applying FIPPA and PHIA when collecting, using and disclosing personal and personal health information
- Considerations of reasonable safeguards to protect personal and personal health information
- Guidance and information about mandatory privacy breach reporting requirements including the factors required to determine if the breach poses a real risk of significant harm to an individual
- Guidance on developing a privacy breach response plan and assigning responsibility for notifying affected individuals when the breach involves multiple public bodies/trustees
- How to best protect privacy when implementing new systems and processes such as online applications
- Guidance on the use of Manitoba Ombudsmans’ privacy impact assessment tool.
- Guidance on privacy considerations for implementing surveillance camera systems.

28 consultations involved access to information matters, including:

- Best practices in processing access requests and documenting decisions under FIPPA and PHIA
- Guidance on the interaction of FIPPA with other acts
- Considerations and requirements under FIPPA for extending the time limit for responding to access requests, including seeking the Ombudsman’s agreement for a longer extension
- Options and best practices to protect personal information in the proactive disclosure of information



CATEGORIES OF PUBLIC BODIES AND TRUSTEES WHO CONSULTED OUR OFFICE ON ACCESS AND PRIVACY MATTERS IN 2023/24



¹ Numbers broken down in this section may add up to more than the total number of consultations, as some consultations involved consideration of both FIPPA and PHIA, and some involved both privacy and access considerations.

THE OMBUDSMAN ACT

Under The Ombudsman Act, we receive complaints from citizens about the administrative actions, omissions and decisions made by public bodies such as government departments and agencies, and municipalities, and their officers and employees. Citizens make complaints to the ombudsman when they believe an action or decision by a public body is contrary to law or policy and directly affects them, or that they have been treated unfairly.

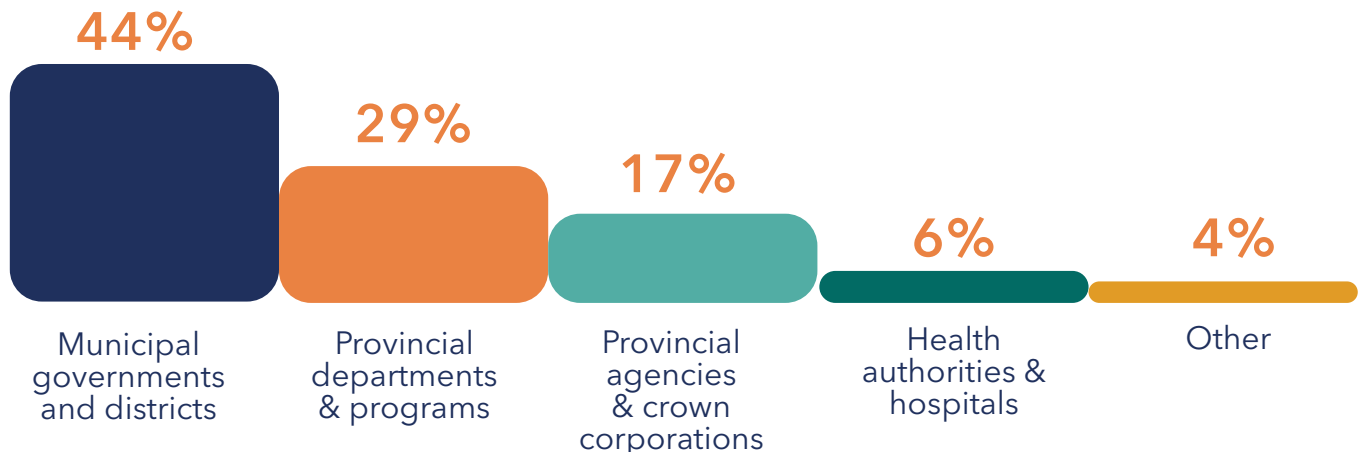
Our focus is to try to resolve concerns and issues informally, and as quickly as possible. In instances when early resolution is not possible, we may open an investigation into the matter. Investigators assess whether administrative processes and procedures are followed according to applicable legislation, regulation, by-laws and/or existing policies. We also consider the fairness and reasonableness of government actions and administrative decisions. At the conclusion of the investigation, the ombudsman may make

evidence-based recommendations to the public body to take corrective action and/or identify areas where the public body may make administrative improvements. The ombudsman also has the discretion to open their own investigation if they believe there is an issue where a person or the broader public may be aggrieved. Overall, our goal is to improve administration of public programs for the benefit of all.

Under The Ombudsman Act, the ombudsman can investigate a complaint about:

- provincial government departments and agencies
- crown corporations
- health authorities
- municipalities/local governments
- local government districts, planning districts, and conservation districts
- boards and commissions directly or indirectly responsible to the government
- colleges with appointed boards (Red River College and Assiniboine Community College)

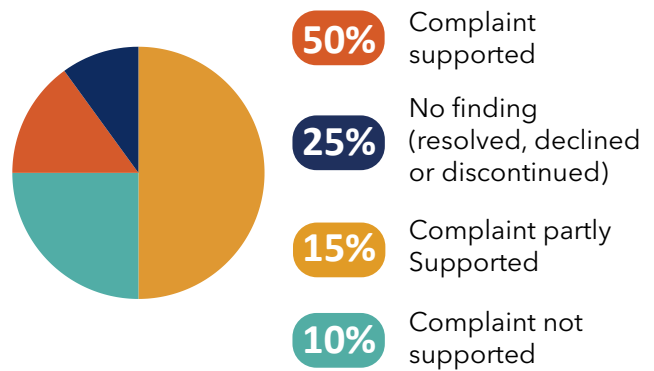
OMBUDSMAN ACT INVESTIGATIONS BY TYPE OF PUBLIC BODY



For more detailed information about Ombudsman Act complaint investigations, please see the table on page 50.



OUTCOMES OF CLOSED INVESTIGATIONS



CASE SUMMARY

MANITOBA HEALTH, SENIORS AND LONG-TERM CARE

DELAYED DECISIONS ON REFERRALS FOR GENDER-AFFIRMING HEALTH SERVICES

A complainant contacted our office concerned about the length of time they were waiting for a decision from Manitoba Health, Seniors and Long-Term Care (MHSLC) Insured Benefits Branch to approve gender affirming surgery.

The complainant in this case felt a considerable amount of time had passed since their physician submitted a surgical referral to MHSLC. They conveyed they made repeated requests for information about the decision-making process and the lack of information and the delay in the decision impacted their well-being.

Individuals seeking gender-affirming surgeries in Manitoba must have an elective surgical referral made by their physician. The Health Services Insurance Act regulation establishes the minister of the health department as decision maker, but in practice the decision-making is delegated to a civil service employee.

The criteria used to assess elective surgical referral requests are set out in a regulation. The only criteria is medical need.

Our office contacted the responsible branch within MHSLC to understand the reasons for the delay and why the complainant was not receiving updates from the branch. We learned that resource constraints limited the branch’s ability to provide regular updates to our complainant and approximately 12 other Manitobans awaiting decisions for gender-affirming elective surgeries.

We also found the branch lacked policies to guide administrative processes in handling these referrals. After our office highlighted the unfairness experienced by the complainant, the department issued decisions on surgical referral requests for our complainant and others also awaiting approval for gender-affirming surgery. The department also committed to creating a policy to prevent similar unfair delays in the future. We continue to monitor the department’s progress in addressing this issue.

CASE SUMMARY

MANITOBA HYDRO BIPOLE III & RIGHT OF WAY IMPACTS ON LANDOWNERS SUPPORTED RECOMMENDATION MADE

A group of landowners who had property expropriated for the construction of the Bipole III Transmission Project submitted a complaint about Manitoba Hydro. The transmission line spans approximately 1,400 kilometers, contains 3,076 towers and affected properties of 471 landowners.

The landowner group cited concerns with the administration of the project and its impact on their farming operations. They raised concerns that they were treated unfairly by restricting who could represent the group in expropriation/easement negotiation, and that Manitoba Hydro was not following biosecurity protocols and construction crews were unaware of the biosecurity risks with particular properties. Biosecurity risks included potential transmission of infectious diseases or invasive species to crops and livestock.

We found that while Manitoba Hydro made reasonable efforts to negotiate with the Manitoba Bipole Landowners Committee representative, it did not fully consider biosecurity and the effects of construction on properties. As time went by, Manitoba Hydro's risk assessment and

mitigation efforts improved. It also strengthened its communications with landowners and eventually created a landowner contact log to document information specific to each property including the type of farming activity, associated biosecurity risk and mitigation measures, and also documented concerns to better coordinate efforts.

Given the long life of a transmission line and the likelihood that the parties to the original commitments will change over time, landowners needed to know what to expect from Manitoba Hydro in the future. We concluded that Manitoba Hydro needed to develop clear processes and a formal commitment with landowners affected by Bipole III.

As a result of our investigation, we recommended that Manitoba Hydro provide landowners affected by Bipole III with written commitment letters explaining how the company will notify them when it needs access to the right-of-way and/or land expropriated and affirming its commitment that applicable biosecurity protocols will be adhered to.

Manitoba Hydro accepted the recommendation and has provided written communications to all easement holders, clearly outlining Manitoba Hydro's obligations to landowners under the easement agreements.



1 RECOMMENDATION

CASE SUMMARY

WINNIPEG REGIONAL HEALTH AUTHORITY

REQUESTED HOME CARE SUPPORT NOT PROVIDED FOR PALLIATIVE PATIENT SUPPORTED

An individual complained to our office that the Winnipeg Regional Health Authority (WRHA) Palliative Care Program failed to provide necessary home care services to their spouse before the spouse's death. The spouse was in hospital and discharged home because they desired to die at home with support from the palliative program. The family indicated they made a request for home care while the spouse was still in hospital and made numerous attempts to clarify their in-home support needs and get clarity on the status of their requests.

We found that the spouse received intensive and timely medical and case management supports from the specialized palliative program staff. However, home care support such as home care respite and a home care aide for bathing assistance and basic care were not provided as described in the palliative care program's service model and as outlined in home care policy. We found there were a series of communication errors

resulting in home care services were not being correctly ordered or prioritized, which led to the delayed implementation of home care supports. Our investigation also found the palliative care and home care programs operate separately and information sharing about the needs and status of the family's home care respite request was fragmented and/or lacking. No home care supports were deployed until after the spouse had already passed away at home.

We concluded that in this case, the actions of the WRHA Palliative Care Program regarding home care services were unreasonable and substantively, procedurally, and relationally unfair to the client and complainant.

Our review also noted the WRHA had made administrative improvements to address some of the concerns observed by taking steps to implement 21 recommendations outlined in its own internal review of the matter. The WRHA Palliative Care Program apologized for the issues relating to the individual's request for home care and expressed appreciation for their role in helping the WRHA improve services for others.

We will be monitoring the WRHA's implementation of the recommendations contained in its internal review.

CASE SUMMARY

RURAL MUNICIPALITY OF HARRISON PARK

A HIGHER PRICE FOR GARBAGE SUPPORTED

RECOMMENDATIONS MADE

Something didn't smell right when the Rural Municipality of Harrison Park council awarded a contract for garbage and recycling services. As the current municipal service contract was coming to an end, the RM issued a new tender for the delivery of garbage and recycling services with one evaluation criteria - the cost of delivering the service. A complainant claimed the RM did not follow a fair and transparent procurement process when it awarded the contract to the proposal with the highest cost.

In reviewing the matter, we noted that this procurement decision was one of the first activities of a newly elected council and its administration. We confirmed the RM had a tendering and procurement policy in place which outlined a clear process and authorization to receive, evaluate and award contracts to the bidder whose proposal has met established criteria. The policy is consistent with the Municipal Act requirements and the guidance offered in the Municipal Act Procedures Manual.

In this instance, the RM did not follow its own policy. Our review found that new council members expressed confusion about how the bids were to be evaluated. We found that the decision-making

process was improperly influenced by other factors such as social media, a desire to award the contract to a different company and expressed uncertainty about a potential conflict of interest. We note that the administration did not clarify the procurement policy requirements or the evaluation criteria for council. Cost is the only factor that should have been considered. In our view the award decision was wrong and procedurally unfair. The contract should have been awarded to the lowest bidder.



Fairness and transparency in public tenders require all parties to know specific assessment criteria so they can make informed decisions about their participation in the tendering process.

Contracts must only be awarded based on articulated criteria in the tender. In our view the award decision was wrong and procedurally unfair. The contract should have been awarded to the lowest bidder.

We recommended the council determine the viability of revisiting the award decision, review its tendering and procurement policy and procedures and undertake annual training on conflict of interest. The RM accepted all three recommendations.



3 RECOMMENDATIONS

CASE SUMMARY

MANITOBA PARKS

A BOATHOUSE & PUBLIC LAND ENCROACHMENT

NOT SUPPORTED

When a cottage owner obtained a survey of their leased vacation lot, they discovered that structures owned by their neighbour were significantly encroaching onto the public reserve land that fronts the lot. The cottage owner reported the encroachment to the Department of Environment and Climate Change and requested Manitoba Parks require the neighbour to remove all the encroaching structures within a reasonable timeframe with a set deadline.

Manitoba Parks reviewed the matter and directed the neighbour to move or reduce certain structures while allowing a boathouse and a walkway to remain in place until such time as structural repair or replacement were required. The complainant said it was unfair that Manitoba Parks to not require the removal of all encroaching structures.

The leased lot is located within a subdivision on Crown land designated as a provincial park under The Provincial Parks Act. Manitoba Parks explained they exercised their discretion when making their decision as the act does not specifically address encroachment disputes.

In reviewing this matter, Manitoba Parks explained that cottagers have the exclusive right to apply for permits to build structures like docks and

boathouses on the public reserve land fronting their leased lots, but they do not own or lease the actual public reserve land. Ultimately, it is up to the province to administer it.

Manitoba Parks reviews encroachment complaints on a case-by-case basis considering multiple factors such as the extent of the encroachment, duration of tenancy, the permitting history, the condition of the structures, financial impacts to address the encroachment, interpretation of lot lines and topography.

In this case, the province approved a permit for the construction of the boathouse 20 years prior when a survey was not required as part of the permit approval process. When Manitoba Parks considered the complaint, it noted the boathouse was in good condition and only the corner was encroaching over the projected property line. Manitoba Parks believed that requiring the neighbour to relocate or rebuild their boathouse would impose an unreasonable financial burden, especially since they built the boathouse in good faith.

We found that Manitoba Parks reasonably exercised its discretion, considering multiple relevant and reasonable factors concerning the encroachment. Its decision to reduce and eventually eliminate the encroachment of the boathouse over time without imposing a large financial burden on the neighbour was reasonable and fair.

CASE SUMMARY

RURAL MUNICIPALITY OF ST. FRANCOIS XAVIER

BEHIND CLOSED DOORS - ADDRESSING VACANCIES ON COUNCIL

NOT SUPPORTED

Four months following a general municipal election, two out of five council seats in the Rural Municipality of St. Francois Xavier remained vacant. The complainant alleged the municipal council acted contrary to The Municipal Act when it closed a meeting to the public to discuss how to fill two vacant seats.

The Municipal Act provides that if a councillor position remains unfilled after a general election, the elected members have the authority to appoint a person, who was eligible for nomination during the election, to fill the vacancy with the appointee being deemed elected at a by-election. The act also permits a council to close a meeting to the public or hold in-camera proceedings in specific circumstances. These requirements and procedures are reflected in the RM's by-laws.

In reviewing the matter, the RM explained it closed the meeting to determine the process of filling the vacant seats and to establish a scoring matrix for evaluating potential candidates. Closing the meeting enabled council to keep confidential

the details of the evaluation process, making the approved appointment process consistent and fair to all eligible applicants. No decision was made during these in-camera proceedings, and no evaluation and assessment of applications took place.

Our office noted the RM gave advance notice to the public about the in-camera proceeding, passed resolutions that documented reasons for closing the meeting and provided an overview of the topic discussed and the decision of the council arising from the discussion held in-camera.

We found that municipality's decision to conduct in-camera proceedings met the requirements of the act and it demonstrated transparency and accountability in their decision-making process.



It is critical to give advance notice of proceedings to the public and to report publicly about the discussions and the outcome to ensure administrative fairness and transparency in conducting in-camera proceedings.

Through our investigation, we found the municipality provided appropriate prior notice and reported effectively about the in-camera process. Our office was satisfied that the RM complied with the provisions of The Municipal Act on in-camera proceedings.

CHIEF MEDICAL EXAMINER

SACRED TIMELINES: AUTOPSY DELAYS IMPACTING CULTURAL TRADITIONS & CEREMONIAL BURIAL PRACTICES

During outreach efforts and meetings, leaders in one First Nations community told us the length of time for autopsies was negatively affecting their traditional ceremonial burial practices.

We also heard the remains of deceased people were returned to the community in a state that prevented opportunities to have open casket funerals.

We contacted the Chief Medical Examiner's office to understand if there is a process for Manitobans

to request a quicker return of their loved ones' remains to enable timely cultural and traditional burial ceremonies. The office described a formal process where the deceased persons' loved ones can make a request to the medical examiner's office to have the autopsy expedited. We heard that whenever possible, these requests are honoured. We provided this information to the First Nation and facilitated communication between the two entities.

INQUEST RECOMMENDATION REPORTING

Under The Fatality Inquiries Act, the chief medical examiner may direct that an inquest into the death of a person should occur. Inquests are presided over by provincial court judges and result in an inquest report that may recommend changes in programs, policies and practices of public bodies to reduce the likelihood of a death in similar circumstances.

A 1985 agreement between the chief medical examiner and Manitoba Ombudsman outlines our office's responsibility to follow up on inquest recommendations directed to provincial or municipal departments and agencies.

Our oversight activities serve the public interest and promote transparency and accountability of public programs and services to Manitobans. Manitobans have a right to know and understand how public bodies act upon recommendations made in provincial inquest reports.

PUBLIC REPORTS

Between April 1, 2023 and March 31, 2024, we concluded follow up on 10 recommendations and published two inquest recommendation monitoring reports.

The inquest into the death of Jean Paul Beaumont resulted in nine recommendations aimed to reduce drug overdoses in a correctional centre. Seven of the nine recommendations were implemented as written and one was implemented with an alternate solution that achieved the intent of the recommendation. One recommendation was not implemented due to costs and resource limitations in the Department of Justice.

The inquest into the deaths of Haki Sefa and Mark Dicesare resulted in one recommendation to reduce the risk of harm to the person possessing an imitation firearm, members of the public, and law enforcement officials. We determined the Province of Manitoba considered the recommendation and is working collaboratively with the federal government on public safety measures, including amendments to federal law that further regulate and tighten controls on types of firearms.



The full Jean Paul Beaumont report is available on our [website](#).



The full Haki Sefa and Mark Dicesare report is available on our [website](#).

ONGOING MONITORING

Over the past year, we continued monitoring 47 recommendations made in six inquest reports. We maintain regular communication with public bodies to receive updates, ask questions, and seek additional information. During the current reporting period, no new inquests reports were released.



6

inquest reports issued by the Provincial Court of Manitoba



47

recommendations being monitored during the year



10

recommendations monitored and reported on by the ombudsman



THE PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION) ACT

Under the Public Interest Disclosure (Whistleblower Protection) Act (PIDA), our office investigates disclosures of wrongdoing in or relating to the public service.

A wrongdoing is:

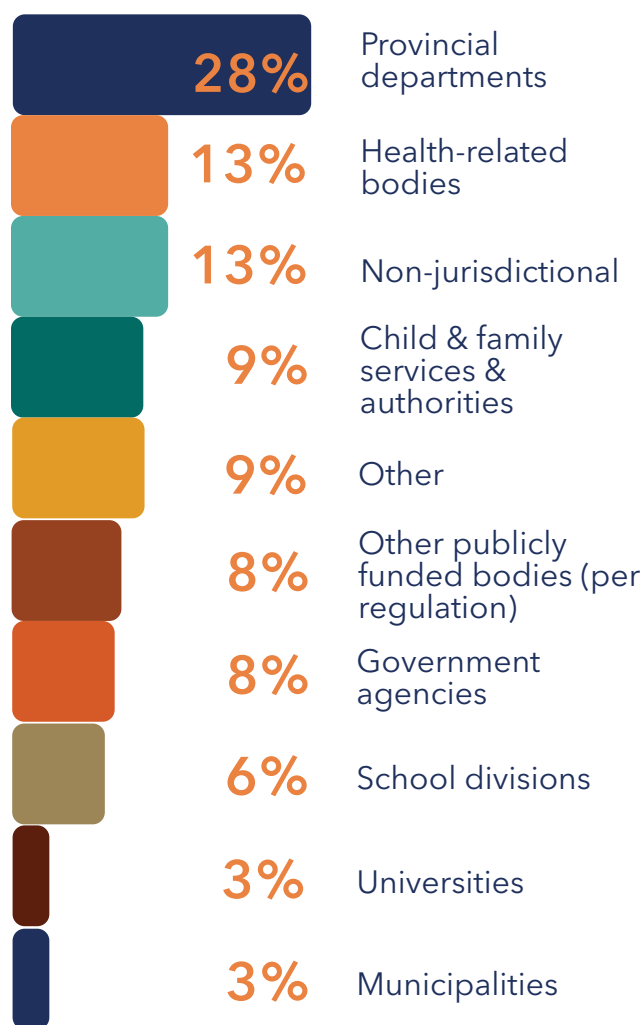
- a very serious act or omission that is an offence under another law
- an act that creates a specific and substantial danger to life, health or safety of persons or the environment
- gross mismanagement including the mismanagement of public funds or government assets or
- knowingly directing or counselling a person to commit a wrongdoing

The act also provides reprisal protection to those who seek advice, make a disclosure or co-operate in an investigation under PIDA. Our office is responsible for receiving and investigating complaints of reprisal under PIDA.

Our jurisdiction under PIDA included the following public bodies:

- government departments
- other government bodies/agencies/authorities
- independent offices of The Legislative Assembly of Manitoba
- school divisions
- City of Winnipeg and City of Brandon
- publicly funded organizations that provide support services, residential care, rental housing units, or licensed childcare
- other publicly funded organizations as defined by the regulation

PIDA DISCLOSURES & ACTIVITIES BY TYPE OF PUBLIC BODY



6

consultations done with public bodies

2023/24	RECEIVED/ OPENED	CLOSED
Inquiries	25	23
Disclosures of wrongdoing	23	16*
Wrongdoing investigations	2	1
Reprisal complaints	7	
Reprisal investigations	3	2
PIDA Reviews	1	1

*14 disclosures not acted on, 2 acted on

INQUIRIES

We encourage people to contact us before submitting a PIDA disclosure. Under PIDA, there are specific criteria for what qualifies as wrongdoing. We can determine if your disclosure aligns with the criteria or if it can be handled in a different, more appropriate way. If your concern is a wrongdoing, as defined by the act, we provide information on the disclosure process and reprisal protections for employees of public bodies.

DISCLOSURES OF WRONGDOING

Our office may receive disclosures from employees in any public body and from non-employees (contractors and the public) who believe they have information about a wrongdoing.

Who can make a disclosure of wrongdoing?

In Manitoba, anyone who reasonably believes they have information that could show a wrongdoing has been committed or is about to be committed in the public service can make a disclosure. If you are a public body employee you can make a disclosure to your supervisor, your PIDA designated officer

or the ombudsman. If you are not an employee, you may only present that information to the ombudsman for it to be handled as a PIDA matter.

ASSESSMENT OF DISCLOSURES

We assess each disclosure to determine:

- if an allegation meets the definition of wrongdoing
- if there is enough information to support the allegation at face value and
- if PIDA is the most appropriate process to have the matter investigated

Our assessment may result in a decision to investigate or a decision to decline for various reasons, including:

- the matter does not meet the threshold for wrongdoing
- the matter is not significant and serious and therefore the allegation does not meet the definition of wrongdoing
- the disclosure relates to a matter more appropriately dealt with according to a procedure under another act
- the disclosure relates to employment matters more appropriately handled through a human resources process

It is common for people to disclose issues that are highly problematic, but do not reach the threshold for wrongdoing under PIDA legislation. We may assess the behaviour to be wrong, but it would not be serious or significant enough to warrant investigation by Manitoba Ombudsman. This should not discourage employees from reporting. Once disclosed and assessed, matters that do not reach our threshold can be referred by our staff to the appropriate organizational leadership to alert them to manage the matter appropriately. The reporting individual maintains confidentiality

and reprisal protection for making a disclosure, and those with the responsibility receive the information needed to act.

POSSIBLE OUTCOMES AFTER ASSESSMENT:

- Decline to investigate
- Facilitate resolution
- Refer to a PIDA designated officer in a public body
- Refer to the Office of the Auditor General
- Launch a wrongdoing investigation

FACILITATING RESOLUTION

Section 13 of PIDA gives our office the power to take appropriate steps to resolve matters within a public body. In these cases, we bring the concerns to the attention of the designated officer or chief executive, without identifying the discloser, and confirm the public body's willingness to review the concerns. When the public body informs us about the outcome of their review, we will share the information with the discloser. The reporting individual maintains confidentiality and reprisal protection.

CASE SUMMARY

EMPLOYEE DISCLOSURE ON INFORMATION MANAGEMENT

We received a disclosure from an employee of a public body that employees of the public body were sharing and using log-in credentials to access a software program used in the operations of the public body.

The employee was concerned that sharing of personal credentials could allow some employees to access information, including sensitive information, which would not be required for their job. Given the potential for exposure of

sensitive and confidential personal information we immediately notified the head of the public body of the concerns to ensure access to information was limited to what was required for an employee's position. The public body confirmed there was some merit to the concerns raised, and took steps to address the issue immediately, including implementation of security safeguards and training on the public body's network policies. Additional ombudsman staff were engaged to provide guidance on security requirements of The Freedom of Information and Protection of Privacy Act.

We did not launch an investigation because the situation had resolved but we continue to monitor the implementation of the changes made by the public body. The discloser's identity is protected under this act and reprisal protection applies to them.

REFERRAL TO A PIDA DESIGNATED OFFICER

Under PIDA, our office may refer disclosures to a public body's PIDA designated officer where we believe the matter could be dealt with more appropriately by the designated officer. Before referring a disclosure, we would confirm the public body has compliant PIDA procedures, discuss the disclosure, and inquire about the steps the designated officer proposes to take to deal with the matter.

CASE SUMMARY

DISCLOSURE RECEIVED FROM NON-EMPLOYEE ON SAFETY

An employee of a private sector company contacted our office with concerns a public body employee was altering design plans after they had already been approved and certified by a licensed qualified professional. They said the same employee was encouraging contractors to begin work before receiving proper permits, which created safety risks to both public body and contractor employees.

The details in the disclosure required technical expertise to thoroughly assess risk to safety. We knew from past involvement with this public body's investigations that it had well-developed internal disclosure and investigation processes and understood its obligations under the act. The public body also had the technical expertise to best assess safety risk. The public body confirmed it would investigate under PIDA and other internal mechanisms if needed, while maintaining reprisal protections.

We referred the disclosure to the designated officer for their review, requiring that our office be provided with the results of their investigation.

WRONGDOING INVESTIGATION

Where our assessments determine the disclosure meets the threshold of the legislated definition of wrongdoing, we initiate investigations.

INVESTIGATION

ALLEGATIONS OF GROSS MISMANAGEMENT REGARDING CONTRACT AWARDING RECOMMENDATIONS MADE NO WRONGDOING FOUND

Our office received a disclosure alleging an agency entered into a contract with a private company owned by a family member of an agency director, contrary to the agency's conflict of interest and procurement requirements. In addition, the discloser raised concerns about the financial management processes in the agency and its programs. The allegations were investigated under the definition of gross mismanagement.

We noted the agency's reason for the contract was to financially support a new agency program that met the needs of its clients, when the program could not be supported within the agency's existing funding models. The contract with the

private company was a temporary measure to be used until alternate funding mechanisms became available.

We reviewed all policies and documents related to the circumstances of the contract and alleged conflict of interest. We found that a conflict of interest did exist and that it was acknowledged, appropriately declared, and a plan including internal restrictions and financial controls was implemented to help manage and mitigate the conflict. We also found evidence the agency stopped using the company when other funding mechanisms became available. We did not find any evidence to substantiate the allegations regarding the financial management processes in the program or other specified areas of the agency.

However, a review of all related documents and invoices found the mitigation plan was not consistently followed. We also noted aspects of the agency's procurement policy had not been met.

Due to the limited scale of the inconsistency in both policy and the conflict-of-interest mitigation plan, we did not find that wrongdoing occurred. We did, however, make three recommendations for administrative improvements to the agency's policy and procedures.



TOTAL NUMBER OF RECOMMENDATIONS

Across all PIDA investigations, there were three recommendations made. Compliance with the recommendations was underdetermined at the end of the reporting period. Compliance will be reported in the next annual report.

REPRISAL COMPLAINTS

Under PIDA, employees are protected from reprisal for:

- seeking advice on making a disclosure
- making a disclosure or
- cooperating in an investigation into alleged wrongdoing(s)

Reprisal means any measure taken against an employee such as a disciplinary measure, a demotion, termination, or any measure that adversely affects employment or working conditions, including making threats to do so. All employees should feel safe bringing forward concerns and providing information when called upon during an investigation. An employee who believes a reprisal has been taken against them because of their involvement in a PIDA wrongdoing disclosure may submit a complaint to our office. Before launching an investigation, we listen to the employees' concerns and discuss how to manage communication in their workplace to help safeguard their confidentiality.

An ombudsman investigation into reprisal is launched when there is sufficient evidence that reprisal protection may have been established and the actions taken against the employee may be linked to the employee's involvement in a process under PIDA. When we decline to investigate a reprisal complaint, we will explain the reasons and the employee or former employee may make further complaints about the alleged reprisal to the Manitoba Labour Board, who handles the complaint using procedures under The Labour Relations Act. Our reasons to decline to investigate a reprisal complaint include:

- there was no evidence of the complainant's involvement in a matter under PIDA
- the measure (termination or disciplinary measure) was taken against the employee prior to involvement under PIDA or for other documented reasons
- the complainant was not in an employee-employer relationship with the public body

PIDA PROCEDURE REVIEWS

Our office is available to provide guidance and consultation as well as procedure reviews to public bodies and designated officers to help them develop or amend whistleblower policies and practices and ensure legislation compliance.

CASE EXAMPLE

POLICY THAT WOULD NOT BE COMPLIANT WITH LEGISLATION

PIDA requires the chief executive of a public body to establish procedures to manage disclosures made by employees of the public body and to designate a senior official to be the designated officer. In a consultation with an agency who was establishing a whistleblower policy and procedure, we were advised the senior official designated would be a board member, as this was a recommendation made in an external review. We reviewed the public body's procedures and highlighted the importance of fostering a culture where employees have more than one avenue to make a disclosure whenever they reasonably believe wrongdoing exists. Employees must be able to make a disclosure to their supervisor, the designated officer of the public body or our office. The public body amended their procedures and achieved compliance with the act.

MANITOBA OMBUDSMAN OBLIGATION TO REPORT ABOUT DISCLOSURES

As a public body under PIDA, we are required to report any disclosures of wrongdoing that have been made internally. We received no disclosures in 2023-24.

Received: 0 Acted on: N/A Not acted on: N/A
Number of investigations commenced as a result of a disclosure: N/A

OFFICE OPERATIONS

2023-24 OFFICE BUDGET (NUMBERS REPORTED IN THOUSANDS)

	Budget	Actual
Total salaries and employee benefits	3965.0	3289.3
Other operating expenditures	673.0	1063.5
Total	4638.0	4352.8

CORPORATE INITIATIVES BUSINESS TRANSFORMATION

The 2021-2025 Operational Service Plan is a tactical plan of transformation for Manitoba Ombudsman. Its purpose is to provide our team with a shared vision of how our work and culture can contribute to better organizational outcomes and identifies specific activities and projects designed to improve our operations. Our priorities focus on citizen-centered service delivery, operational excellence, organizational effectiveness and efficient information management, and support sustainable change with structured accountability, people readiness, and communication.

We are taking a managed, incremental approach to match our capacity to launch new projects, initiatives, and discussions. Achieved objectives in the third year of the plan include the following:



Figure: The Manitoba Ombudsman Transformation Framework

PRIORITY 1: CITIZEN-CENTERED ORGANIZATION

- Focused training and development in trauma-informed practices and service delivery, alternative dispute resolution and effective communication skills
- Developed an outreach program to support our engagement with newcomer communities
- Issued and awarded a request for proposals for the redesign of Manitoba Ombudsman website to improve user experience and accessibility including providing self-service functionality.
- Initiated a rebranding for the office to be more approachable, inclusive, and to convey the independence of the ombudsman office

PRIORITY 2: OPERATIONAL EXCELLENCE

- Redefined and automated case management standards and reporting for all mandates to support performance monitoring and continuous improvement activities
- Established mandate-specific indicators to monitor service effectiveness and efficiency
- Developed a new program for workforce performance accountability and management
- Implemented a hybrid work program

PRIORITY 3: ORGANIZATIONAL EFFECTIVENESS

- Implemented phase two of organization structure change to create a strategic initiatives team that provides policy, research, analysis, legal advice and quality assurance support to the ombudsman and investigation teams
- All staff completed the University of Alberta Indigenous Canada program as the standard of mandatory study under the Truth and Reconciliation Learning Plan

PRIORITY 4: EFFICIENT INFORMATION MANAGEMENT

- Developed a quality assurance framework for data collection, integrity, and management
- Implemented a centralized digital training and resource portal for employees

WORKFORCE AND PROCESS IMPACTS

There is positive momentum in our operations and workforce. We spent three years in a collective bargaining process which concluded shortly after this reporting period. During the 2023-24 fiscal year, significant efforts to reduce our workforce vacancy rate continued and are expected to result in a zero per cent vacancy rate in 2024-25. Service plan operational improvements have allowed us to identify and prioritize the reduction of case backlogs across our teams. As backlogs are addressed, new investigation completion time targets are being implemented. As a result, these improvements will result in more timely delivery of reports, increase in volume capacity and improve overall case management.

MANITOBA OMBUDSMAN PLANS RELOCATION OF HEADQUARTERS IN 2024

During this reporting period, we prepared for our relocation to 5 Donald Street, finalizing plans and the functional design of our new workspace. We worked collaboratively with Asset Management, under the Consumer Protection and Government Services department, which oversaw the construction of the new space, sourced equipment and furniture on our behalf, and helped us manage the move to our new premises.

The move to a new location in Winnipeg's downtown will ensure the office remains easily accessible, whether you rely on foot, bicycle, bus, or personal vehicle transportation. We will be in the new headquarters on June 14, 2024. We also operate publicly accessible locations in Thompson and in Brandon.

STAFF

Manitoba Ombudsman is organized by mandate and functions including early resolution and intake, access and privacy matters, ombudsman matters, and PIDA matters. All areas are supported by corporate support and business transformation teams. Thank you to all current and departed staff who contributed to the work of our office in this reporting period.

WINNIPEG OFFICE

Adetokunbo Alase, *Investigator*
Jacqueline Bilodeau, *Manager, Access & Privacy Investigations*
Shannon Bunkowsky, *Executive Director of Strategic Initiatives*
Corinne Caron, *Investigator*
Rowena Castro, *Investigator*
Christian Christodoulides, *Policy Analyst*
Angie Cleutinx, *Administrative Support Clerk*
Patti Cox, *Advisor and Special Projects*
Kat Day, *Administrative Support Clerk*
Lourdes De Andrade, *Manager, Administration*
Rory Ellis, *Acting Intake Investigator*
Kristen Fogg, *Investigator*
Leanne Fraser, *Investigator*
Meghan Gallant, *Senior Investigator*
Umair Ghantiwala, *Policy Analyst*
Hermon Gidey, *Policy Intern & Complaints Analyst*
Cindy Holloway, *Director Early Resolution and Corporate Support*
Cydney Keith, *Senior Investigator*
Annalicia Kiely, *Administrative Support Clerk & Intake Analyst*
David Kuxhaus, *Manager, Ombudsman Investigations & Manager of Intake*
Justine Lapointe, *Investigator*
Heather Lessard, *Intake Manager*
Mary Loepp, *Investigator*
Krystan McCaig, *Investigator*
Alyson McFetridge, *Investigator*
Tricia McKay, *Administrative Support Clerk*
Priscilla Serwaa Marfo, *Policy Intern*
Jack Mercredi, *Indigenous Adviser & Community Connector*
Maggie Nighswander, *Investigator*
Robyn Osmond, *Investigator*
Maria Palattao, *Acting Manager of Administrative*
Jill Perron, *Ombudsman*
Lori Roberts, *Manager, Public Interest Disclosure Investigations and Ombudsman Act Investigations*
Josh Tallman, *Investigator*
Dayna Van Caeyzeele, *Investigator*
Gillian Van Haute, *Investigator*
Sheethal Veettil, *Investigator*
Marni Yasumatsu, *Deputy Ombudsman*

BRANDON OFFICE

Chris Baker, *Investigator*
Wanda Bryant, *Complaints Analyst*
Andrea Grynol, *Senior Investigator*

THOMPSON OFFICE

Ila Miles, *Administrative Assistant*
Loretta Ouskun, *Intake Officer (MO/MACY)*
Lydia Blais, *Intake officer (MO/MACY)*

DETAILED STATISTICS

PHIA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2023-24	New cases in 2023-24	Total cases in 2023-24	Pending at 3/31/2024
Health-care body				
CancerCare Manitoba	0	1	1	1
Medical Clinic	1	6	7	6
Shared Health	1	2	3	2
Health Sciences Centre	0	1	1	0
Mount Carmel Clinic	1	2	3	1
Northern Health Region	1	0	1	1
Southern Health-Santé Sud	1	1	2	0
Winnipeg Regional Health Authority	4	3	7	6
St. Boniface General Hospital	0	2	2	2
Health professional				
Physician	2	0	2	2
Local government body				
Cornwallis	0	2	2	2
Provincial agency				
Metis Child, Family and Community Services	0	1	1	1
Manitoba Hydro	1	0	1	0
Manitoba Public Insurance (MPI)	1	0	1	0
Workers Compensation Board	1	4	5	3
Provincial Department				
Economic Development, Investment and Trade	0	1	1	0
Families	1	0	1	1
TOTAL				
	15	26	41	28

FIPPA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2023-24	New cases in 2023-24	Total cases in 2023-24	Pending at 3/31/2024
Local education body				
Border Land School Division	0	1	1	0
Brandon School Division	0	3	3	0
Division Scolaire Franco-Manitobaine	2	0	2	2
Fort La Bosse School Division	0	1	1	0
Frontier School Division	0	1	1	0
Hanover School Division	0	3	3	2
Louis Riel School Division	1	1	2	1
Mountain View School Division	0	2	2	2
Pembina Trails School Division	2	0	2	1
Prairie Spirit School Division	2	0	2	0
Red River College	0	1	1	1
River East Transcona School Division	0	1	1	1
Seine River School Division	0	1	1	0
Seven Oaks School Division	0	1	1	0
Southwest Horizon School Division	0	1	1	0
St. James Assiniboia School Division	2	4	6	5
Sunrise School Division	0	1	1	0
Swan Valley School Division	0	1	1	0
Turtle Mountain School Division	0	1	1	0
University of Manitoba	1	1	2	1
Winnipeg School Division	1	3	4	2

Pending: Complaint still under investigation as of March 31, 2024.

FIPPA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2023-24	New cases in 2023-24	Total cases in 2023-24	Pending at 3/31/2024
Local government body				
Brandon	0	1	1	1
Gimli	0	1	1	1
Lac du Bonnet	1	3	4	4
Lynn Lake	0	1	1	1
MacDonald	1	0	1	1
Powerview-Pinefalls	1	0	1	0
Rosburn	1	0	1	0
Springfield	0	2	2	1
St. Laurent	0	1	1	1
Taché	1	0	1	1
Virden	0	1	1	0
West St. Paul	1	6	7	4
Westlake-Gladstone	0	1	1	1
City of Winnipeg	17	24	41	25
Provincial agency				
CFS Agency/Authority	0	1	1	1
Legal Aid MB	0	1	1	1
MB Agr Services Corp	1	0	1	1
MB Housing & Renewal Corpo	0	3	3	1
MB Hydro	9	2	11	4
MB Public Insurance (MPI)	1	8	9	8
Workers Compensation Board	1	1	2	0
Southeast Child & Family Services	0	1	1	0
MB Human Rights Commission	0	1	1	0

FIPPA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2023-24	New cases in 2023-24	Total cases in 2023-24	Pending at 3/31/2024
Health-care body				
Shared Health	1	4	5	2
Winnipeg RHA	3	0	3	2
Riverview Health Centre	0	1	1	1
Provincial department				
Advance Education , Skills and Immigration	0	1	1	1
Economic Development, Investment and Trade	1	3	4	3
Education and Early Childhood Learning	1	2	3	0
Environment, Climate and Parks	0	4	4	3
Executive Council	7	5	12	2
Families	5	6	11	5
Finance	3	17	20	14
Health	7	3	10	3
Indigenous Reconciliation and Northern Relations	1	2	3	1
Justice	29	8	37	25
Labour, Consumer Protection, and Government Services	2	5	7	7
Mental Health and Community Wellness	1	0	1	1
Natural Resources and Northern Development	1	1	2	1
Public Services Commission	4	6	10	4
Transportation and Infrastructure	4	2	6	2
TOTAL				
	116	157	273	152

THE OMBUDSMAN ACT INVESTIGATIONS OF INDIVIDUAL COMPLAINTS	Case Numbers			
	Carried over into 2023-24	New cases in 2023-24	Total cases in 2023-24	Pending at 3/31/2024
Health Authorities / Hospitals				
Interlake-Eastern RHA	1	0	1	1
Winnipeg RHA	1	2	3	1
Prairie Mountain Health	0	1	1	0
Municipal Governments & Planning Districts				
Alexander	0	2	2	2
Alonsa	4	1	5	5
Brokenhead	0	1	1	1
Cornwallis	0	2	2	2
East St. Paul	1	1	2	1
Harrison Park	2	3	5	3
Lakeshore	0	2	2	1
Minto-Odanah	0	1	1	0
Oakland Wawanesa	0	1	1	0
Red River Planning District	2	0	2	2
St. Clements	0	1	1	1
St. François Xavier	0	1	1	0
Steinbach	1	1	2	2
Swan Valley West	1	0	1	1
Victoria	0	1	1	0
West St. Paul	3	1	4	2
Woodlands	0	1	1	0
Winnipeg	4	0	4	1
Yellowhead	0	1	1	0
Correctional Centres				
Agassiz Youth Centre	1	0	1	0
Women's Correctional Centre	1	1	2	2
Brandon Correctional Cent	1	0	1	1
Non-jurisdictional/Other				
Federal departments or agencies	0	1	1	0
General	1	1	2	2

THE OMBUDSMAN ACT INVESTIGATIONS OF INDIVIDUAL COMPLAINTS	Case Numbers			
	Carried over into 2023-24	New cases in 2023-24	Total cases in 2023-24	Pending at 3/31/2024
Provincial Agencies & Crown Corporations				
Manitoba Housing	0	3	3	3
Manitoba Hydro	1	2	3	0
Manitoba Liquor and Gaming Authority	1	0	1	1
Manitoba Public Insurance	4	3	7	0
Workers Compensation Board	1	0	1	1
Provincial Departments & Programs				
Economic Development, Investment & Trade	1	0	1	1
Environment, Climate and Parks	2	1	3	1
Families	0	2	2	2
Health	0	1	1	0
Indigenous Reconciliation and Northern Relations	0	1	1	0
Justice	2	3	5	1
Municipal Relations	0	1	1	1
Natural Resources and Northern Development	0	1	1	1
Sustainable Development	1	0	1	1
Transportation and Infrastructure	1	0	1	1
Labour, Consumer Protection, and Government Services	0	1	1	1
Employment and Income Assistance	2	0	2	2
Labour and Regulatory Services	2	0	2	0
Residential Tenancies Branch	0	1	1	1
Victims of Crime	0	1	1	1
TOTAL				
	42	48	90	50

THE PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION) ACT	Case Numbers						
	Total	PIDA Disclosure	PIDA Inquiry	PIDA Investigation	PIDA PB Consult	PIDA Procedure Review	Reprisal complaint
Other	6	1	4	1	0	0	0
Provincial aepartment	18	6	2	0	5	0	5
CFS agency	4	2	1	0	1	0	0
CFS authority	2	2	0	0	0	0	0
Government agency	5	3	2	0	0	0	0
Health related	6	3	2	1	0	0	0
Municipality	2	0	2	0	0	0	0
Publicly funded	5	0	2	0	0	1	2
Health authority	2	2	0	0	0	0	0
School division	4	1	3	0	0	0	0
Universities	2	0	2	0	0	0	0
Non-jurisdictional	8	3	5	0	0	0	0
TOTAL	64	23	25	2	6	1	7