

**Manitoba Immunization Card Initiative:  
Review of Compliance with the Personal Health Information Act**

**Case MO-00342**



August  
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**Manitoba**  **Ombudsman**

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## OMBUDSMAN'S MESSAGE

With the World Health Organization's declaration of the Covid-19 pandemic in March 2020 and the subsequent development of vaccines to help prevent the virus, the immunization passport emerged on the world stage as a tool to demonstrate proof of vaccination with the goal of safely reinstating opportunities for social and emotional wellness and reopening economies.

The Manitoba government reached out to our office in June 2021 about its imminent immunization card initiative. We discussed the privacy implications of the initiative and I communicated the importance of having a privacy impact assessment and a legal and policy framework established at the beginning of the initiative.

Privacy impact assessments are a useful tool to assist organizations in safeguarding personal health information. They also serve as a record of the organization's analysis of if and how an initiative meets requirements of privacy legislation. Our office provided guidance to the province on requirements under Manitoba's information and privacy legislation as well as on the privacy considerations outlined in a May 2021 joint statement issued by our office along with the federal, provincial, and territorial privacy commissioners.

Wanting to fully understand the extent of the government's consideration of the privacy implications of this new technology, I launched a review of the Manitoba immunization card initiative on June 10, 2021. In the following months of 2021, Manitoba Health completed a detailed privacy impact assessment which helped to inform our review.

During the review process we had ongoing communication with the provincial departments involved. This was a time when, although the card had already been launched, the initiative was still evolving and expanding. This meant we could provide information, ask questions, and address any areas of concern to support the government in ensuring legislative requirements were met and privacy risks mitigated in real time.

The duration of my office's review of the Manitoba immunization card initiative, from 2021 to 2023, has allowed us to consider the government's privacy due diligence in all phases of the card's existence. Why such a lengthy review? We wanted to ensure that government took adequate steps at every phase to protect the personal and personal health information connected with the immunization card initiative, in its development, through its active usage in the province, to the changes to the requirement for a Manitoba immunization card in 2022 and modifications to the initiative technology in 2023.

Most importantly, we sought to address the questions raised to the office over the past two years by many individuals concerned about the privacy of their personal health information related to COVID-19 public health measures. The pandemic has changed not only our understanding of public health, but also the use of technology and data in meeting public health objectives. The technical infrastructure used for the Manitoba immunization card has the potential to be transferrable to other uses, for example, proof of other types of vaccinations or other personal health information which will raise new privacy implications

for government in the future. The review of the immunization card initiative has been and will continue to be of significant interest to Manitobans and sets the stage for future uses of the technology.

Our review found that the Manitoba immunization card initiative is compliant with Manitoba's personal health information legislation and the departments and the partner organizations involved have demonstrated exemplary privacy practices. I am very encouraged to report that they all were privacy focused in the development of the Manitoba immunization card initiative, exercising due diligence, exhibiting many of the requirements of a privacy management culture my office has long promoted.<sup>1</sup>

I wish to express my appreciation to Manitoba Health, Manitoba Consumer Protection and Government Services and Shared Health Manitoba for their participation and assistance to my office during this review. For their openness to respond to lines of inquiry about the technology underpinning the immunization card, we are profoundly grateful. Their efforts to build technology with privacy protection at the forefront sets a solid foundation for the future.

Should the province continue to use the components of the immunization card, be it the technology or the actual personal or personal health information at issue, it is imperative that the privacy impacts of future uses be examined.

I believe it is essential that the public is provided with insights into Manitoba's information and privacy legislation and how it applied to this initiative to be informed for the future. For these reasons, I have decided to publicly report on our findings about the Manitoba immunization card initiative and its compliance with the Personal Health Information Act.

Jill Perron  
Manitoba Ombudsman

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<sup>1</sup> [PHIA Practice Notes and Guidelines - Manitoba Ombudsman](#), Guidelines for Implementing a Privacy Management Program for Privacy Accountability in Manitoba's Public Sector

## BACKGROUND

### Why investigate and what were our objectives?

In June 2021, the Manitoba government launched the Manitoba immunization card initiative, in which Manitobans could request an immunization card to be used as proof they were fully vaccinated against COVID-19.

Given the potential for significant privacy implications for Manitobans, on June 10, 2021, the ombudsman notified Manitoba Health and Seniors Care and Manitoba Central Services that our office was initiating a review of the Manitoba immunization card initiative under Part 4 subsection 28(a) of the Personal Health Information Act (PHIA). Both Departments and their partner agencies have obligations under PHIA to protect the personal health information of Manitobans. The purpose of our investigation was to determine whether they met those obligations and to review the initiative's compliance with requirements under PHIA, with the following main objectives:

- Determine the legislative authority to use and disclose personal health information for the purpose of creating an immunization card
- Confirm whether the verifier (individual who scans the QR code) collects any personal health information
- Review the notice about the handling of citizens' personal health information
- Review the retention and destruction policy
- Determine what additional information is generated through the utilization of the card
- Review the security safeguards for the personal health information
- Evaluate whether there are any secondary uses of the data collected and if so, determine the legislative authority to use the data for a different purpose
- Confirm whether a privacy impact assessment will be conducted for this initiative
- Determine whether a framework or policy has been or will be developed providing guidance for the use of immunization cards

### Who are the organizations involved?

As a complex initiative, the Manitoba immunization card required expertise related to health, technology and creation of a physical card. This involved participation from Manitoba Health and Seniors Care, Shared Health Manitoba, Manitoba Central Services and Veridos Canada Limited.

### Manitoba Health

Like most government departments, Manitoba Health is comprised of various program and policy areas. Public Health is one of these areas. Public Health is responsible for communicable disease control, which includes immunization programs.

Manitoba Health entered into an agreement for the sharing of personal and personal health information with the Department of Central Services, Business Transformation and Technology division for the purpose of supporting the production of vaccination cards as a means of accessing an individual's vaccination status, when requested by individuals. It also outlines the rationale and the details of the conditions of disclosure of personal and personal health information.

During our investigation, the department was named as Manitoba Health and Seniors Care but recently changed to just Health. For ease of reference and readability, the department will be referred to as Manitoba Health throughout this report.

### **Shared Health Manitoba**

Shared Health is a provincial health organization, created as part of the provincial government's Health System Transformation. Shared Health is responsible to the minister of Health, but it is separate from Manitoba Health. Some examples of programs and services that have been transferred to Shared Health since its creation include: diagnostic services, mental health programming, Health Sciences Centre and Digital Health.

Through an agreement between Manitoba Health and Shared Health-Digital Health, Digital Health maintains the public health information management system (PHIMS) database on behalf of Manitoba Health. PHIMS is an electronic public health record that contains the personal health information of Manitobans related to immunizations, among other information.

### **Manitoba Central Services**

Manitoba Central Services is responsible for the modernization of government services, including information technology, through Business Transformation Technology (BTT). Due to this expertise, Central Services was a key player in developing the Manitoba immunization card initiative.

The department's name recently changed to Consumer Protection and Government Services. The BTT division name was also changed to Digital and Technology Solutions. For ease of reference, the department will continue to be referred to as Central Services throughout this report.

### **Veridos Canada Limited**

Veridos is an international company, with a presence in Canada, that produces government issued identification. The Manitoba government, as represented by the Minister of Manitoba Health, entered into an agreement with Veridos Canada Limited to produce the physical version of the Manitoba immunization cards.

### **What information did we look at during our review?**

The review of the Manitoba immunization card initiative was based on PHIA. We also considered the federal, provincial, and territorial privacy commissioners May 2021 joint statement on privacy and COVID-19 vaccination passports (Appendix A), which provided governments with points of consideration in an effort to ensure privacy was considered at the earliest opportunity in vaccine passport development.<sup>2</sup>

Documents obtained from Manitoba Central Services and Manitoba Health were reviewed, including the privacy impact assessment completed by Manitoba Health, Manitoba Health's security breach policies

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<sup>2</sup> See [https://www.priv.gc.ca/en/opc-news/speeches/2021/s-d\\_20210519/](https://www.priv.gc.ca/en/opc-news/speeches/2021/s-d_20210519/) for the most up to date version.

and privacy impact assessment policy, the information manager service agreement between Manitoba Health and Shared Health, and the agreement between the government and Veridos Canada.

We downloaded the Manitoba immunization verifier app, on both Apple and android devices. We reviewed publicly available information about the Manitoba immunization card initiative at various points in its lifecycle, including:

- information on the Shared Health web portal for individuals who wish to access their immunization record
- privacy notice and consent documents
- terms of use for the Manitoba immunization card and verifier application
- information to users of the verifier application
- communication to businesses and vendors
- online information made available to the public on the Government of Manitoba's COVID-19 web pages
- Manitoba government news releases related to the initiative
- public health orders made under Manitoba's Public Health Act

As public documents and web pages changed over the course of our review, we continued to review the updated versions as we became aware of them.

Our office met with representatives of both departments at multiple points throughout the review. We received updated documents, the privacy impact assessment and information on the initiative in its development and implementation phases. As this information was reviewed, we sought clarification and asked questions to further inform our assessment of the initiative's compliance with PHIA.

## LEGISLATION

Manitoba's privacy legislation consists of PHIA and the Freedom of Information and Protection of Privacy Act (FIPPA). Like all privacy laws, they are based on internationally recognized principles of fair information practices.<sup>3</sup> These principles are based on accountability, identifying purposes, consent, limiting collection, limiting use, disclosure and retention, accuracy, safeguards, openness, individual access and challenging compliance. Reference to these principles can be found throughout this report.



Canadian Standards Association (1996)

PHIA is a health privacy law (act) that sets out rules about the handling of personal health information. This includes rules for collecting, using, disclosing and protecting personal health information. FIPPA contains similar requirements for public bodies' handling of personal information.

As the majority of the information related to immunization cards and verification is personal health information, PHIA is the principal piece of legislation that applies. The provisions of PHIA referenced in this report are found in Appendix C. The information below explains key concepts of the legislation specific to the Manitoba immunization card initiative.

### What is personal health information?

Personal health information is broad in scope and can vary in type and sensitivity. Under PHIA, the definition of personal health information includes two key components. It must be recorded information, and must relate to one of the types of information listed in the definition (emphasis added):

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<sup>3</sup> For further information, see Principles of Fair Information Practices (Appendix B).



**"personal health information"** means recorded information about an identifiable individual that relates to

(a) **the individual's health, or health care history**, including genetic information about the individual,

(b) **the provision of health care** to the individual, or

(c) payment for health care provided to the individual,

and includes

(d) the PHIN and any other identifying number, symbol or particular assigned to an individual, and

(e) any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care

To assist in understanding the act and how it applies, PHIA also defines health care (emphasis added):

**"health care"** means any care, service or procedure

(a) provided to diagnose, treat or maintain an individual's health,

(b) **provided to prevent disease** or injury or promote health, or

(c) that affects the structure or a function of the body,

and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription;

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*An individual's vaccination status is personal health information.*

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Vaccination is a procedure that is provided to prevent disease, and it is therefore defined as health care under PHIA. Information that reveals that an individual is vaccinated against COVID-19 is personal health information about that individual because it relates to the provision of health care and it also relates to the individual's health or health care history. Information that reveals an individual has obtained a medical exemption for vaccination is personal health information as it relates to the individual's health. When personal health information is handled by a trustee, the trustee has to follow the requirements of PHIA.

### **Who is a trustee?**

PHIA calls those that collect and maintain personal health information trustees. PHIA defines who is a trustee, and only those that are trustees are required to follow the requirements of PHIA. Health professionals, health-care facilities and health services agencies are all trustees. In addition, public bodies under FIPPA who collect or maintain personal health information are also trustees.

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*Manitoba Health and Manitoba Central Services are trustees under PHIA.*

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Earlier we described the government and non-government bodies responsible for the immunization card initiative. The provincial departments of Manitoba Health and Manitoba Central Services are public bodies under FIPPA, and so they are also trustees under PHIA because they hold personal health information. Private sector businesses such as restaurants, stores, fitness centers and entertainment

venues are not trustees or public bodies and are not subject to PHIA, FIPPA, or privacy oversight by Manitoba Ombudsman.

### When is a trustee allowed to collect personal health information?

PHIA places controls on how and when trustees, like Manitoba Health and Manitoba Central Services, may collect, use, and disclose personal health information. Trustees can collect, use, and disclose personal health information for authorized or permitted purposes described in PHIA. Any collection, use, or disclosure must be limited to the minimum amount of personal health information required to achieve the purpose.

Under PHIA, trustees are not permitted to collect personal health information about an individual unless the information is collected for a lawful purpose connected with a function or activity of the trustee, and the collection is necessary for that purpose. Collection must also be limited to the minimum amount necessary to accomplish the purpose for which the information was collected. These requirements are found in section 13 of PHIA.

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*Collection of personal health information for the purposes of the immunization card initiative must be authorized under the act and limited to the minimum amount necessary.*

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Trustees must collect personal health information directly from the individual whenever possible (subsection 14(1) of PHIA). There are some exceptions to this, including when an individual authorizes another method of collection (subsection 14(2) of PHIA).

When a trustee collects personal health information directly from an individual, PHIA requires that the individual be provided with notice about the purpose for which the information is being collected. If the trustee is not a health professional, notice is also supposed to include how to contact someone who can answer any questions about the collection of personal health information. These requirements are found in section 15 of PHIA.

### What do use and disclosure mean?

When personal health information is shared or handled within a trustee organization, this is considered a use under PHIA. When the personal health information is shared outside of the trustee, this is a disclosure.

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*Sharing within a trustee is a use, sharing outside the trustee is a disclosure.*

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Personal health information cannot be used by employees within a trustee, or disclosed to someone outside of the trustee, unless it is for a specific and authorized purpose under PHIA (sections 21 and 22 of PHIA). Even if sharing the health information is authorized or permitted under PHIA, the trustee must share as little of that health information as possible to achieve the purpose (subsection 20(2) of PHIA).

### How does consent apply when trustees share personal health information?

Authorization for use or disclosure can be established in a number of ways, including through the consent of the individual the personal health information is about. When a trustee is relying on an individual's consent as the basis to authorize use or disclosure of their information under PHIA, section 19.1 provides requirements to ensure that the individual understands to what they are

consenting. The consent must relate to the purpose for which the information is used or disclosed, be knowledgeable, be voluntary, and not be obtained through misrepresentation.

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*Authorization to share personal health information can be obtained by consent.*

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Consent may be implied from the circumstances; however, it must be expressly given by the individual when a trustee makes a disclosure to a person who is not a trustee, or when the disclosure is made to another trustee, but the disclosure is not for the purpose of providing health care or assisting in providing health care. A trustee is not required by PHIA to obtain the individual's consent in writing.

Individuals can choose to withdraw their consent for the disclosure of their personal health information by notifying the trustee (section 19.2 of PHIA).

### **Are trustees required to protect my personal health information?**

Section 18 of PHIA requires trustees to implement reasonable administrative safeguards (such as privacy policies and training), technical safeguards (such as passwords and encryption) and physical safeguards (such as locked cabinets and offices) to protect personal health information.

PHIA also requires trustees to have a retention and destruction schedule for personal health information to ensure it is retained only for as long as needed (section 17 of PHIA).

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*Trustees are required to protect personal health information.*

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### **What is an information manager and do they have obligations under PHIA?**

An information manager is a person or body that processes, stores, or destroys personal health information for a trustee, or that provides information management or information technology services for a trustee. Section 25 of PHIA sets out requirements about information managers.

When a trustee provides personal health information to an information manager, PHIA requires the

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*Information managers who process, store and destroy personal health information also have obligations under PHIA.*

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trustee to enter into a written agreement that provides for the protection of the information against risks such as unauthorized access, use, disclosure, destruction, or alteration, in accordance with the PHIA regulations. Information managers must comply with the requirements of the act related to the protection, retention, and destruction of personal health information, as well as duties imposed on them under the required written agreement.

## OVERVIEW OF THE MANITOBA IMMUNIZATION CARD INITIATIVE

An immunization record is a personal medical record that shows the immunizations an individual has received, including the date and type of vaccination. Immunization records exist for all Manitobans and are routinely provided to citizens who request the information for purposes of health and public health when needed to show proof of vaccination. They pre-date and are not exclusive to COVID-19 and are maintained as a regular part of public health operations. This information is housed in the PHIMS database, which is managed by Shared Health-Digital Health. PHIMS receives immunization information from physicians and pharmacies, as well as the provincial COVID-19 vaccination clinics. In order to process immunization card requests, vaccination or medical exemption authorization is confirmed through PHIMS.

Individuals can access their COVID-19 specific immunization record online through the province's Shared Health Portal or by contacting their local public health office to obtain a paper copy.

### What is the Manitoba immunization card and how does it work?

Launched in June 2021, the Manitoba government introduced the immunization card as a mechanism for individuals to provide proof of vaccination where required by the emergency health orders. It also promoted the cards as providing an incentive for vaccination, with early benefits being not having to self-isolate after returning to Manitoba from inter-provincial travel and expanded visitation in hospitals and personal care homes.<sup>4</sup> Other benefits included access to sports, arts, and entertainment venues, as well as gyms, and dining in at restaurants within the province. In September 2021, eligibility for the Manitoba immunization card was expanded to include individuals who qualified for a medical exemption to COVID-19 vaccination. In addition to the Manitoba government setting requirements (through public health order or policy), other entities, for example municipalities and post-secondary institutions, set their own requirements for additional circumstances where proof of vaccination was required.

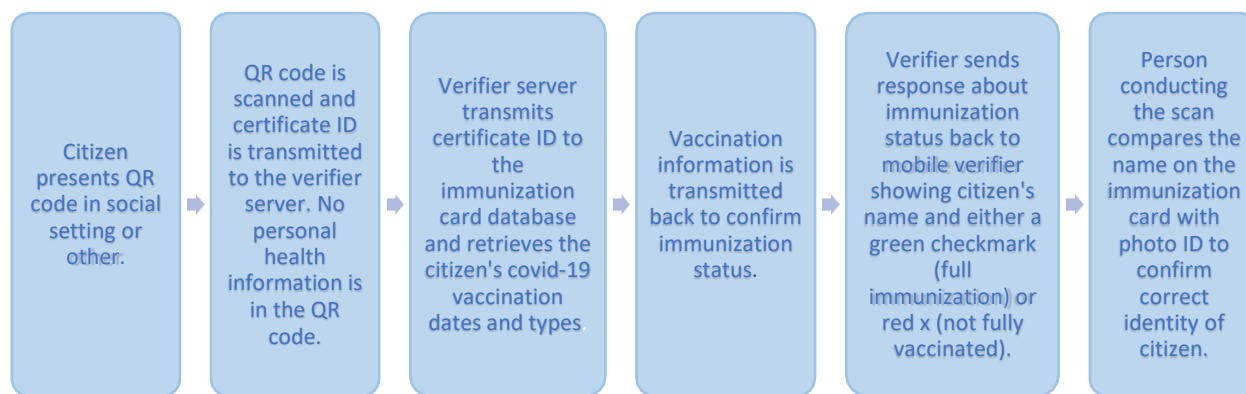


The Manitoba immunization card is created as a digital card, with the option of also requesting a wallet sized physical card. The digital card can be accessed on or downloaded to a mobile device. Both the digital and physical cards include a person's first and last name and a quick response (QR) code. The QR code itself does not contain any personal health information. It contains a unique link to a database created specifically for the Manitoba immunization card initiative. The Manitoba COVID-19 immunization card database contains the names of individuals who have requested the card, vaccination type and date. When an individual presents the card with code to a vendor, the code links with the verifier which retrieves the certificate ID, vaccine type and date. This confirms if the citizen is fully immunized. Individuals who are

<sup>4</sup> <https://news.gov.mb.ca/news/index.html?item=51422&posted=2021-06-08>

fully vaccinated or who have an active medical exemption will have a 'yes' code. If a medical exemption has expired, the code would switch to 'no'. The card was designed to be used in Manitoba, and only the Manitoba verifier application can be used to successfully read the QR code.

This verification process is depicted in the following diagram:



### How is a Manitoba immunization card created?

In order for a Manitoba immunization card to be created, an individual must request one from Manitoba Health. Individuals request an immunization card online or by telephone. Online requests are completed using the Manitoba immunization card portal, which can be accessed directly on a computer, or by downloading the Manitoba immunization card application (app) to a smartphone or tablet. This app is used to request a card, as well as to access the digital card.

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*Immunization cards are not created automatically: a request must be made and consent given.*

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When individuals request an immunization card, they are provided with notice of the collection and information about the use and disclosure of their personal health information.

Consent for disclosure of the above-noted information by the departments involved is required in order to proceed with the application for a Manitoba immunization card. The initiative's consent and notice statement describe that the purpose for the collection, use, and disclosure is for creating and mailing, when applicable, their immunization card (version 09.28.21, Appendix D). Upon reviewing the notice and consent statements, an individual may choose not to proceed with the application process. During the application process, individuals are provided information on withdrawing consent and how they can do so.

The disclosure privacy notice and consent document informs that after submitting a request for an immunization card, consent regarding the disclosure to Manitoba Central Services and Veridos Canada Limited, for the purposes of issuing the card, cannot be withdrawn because requests are processed immediately. Individuals wanting to disable or delete the digital record of their vaccination status (accessed by scanning the QR code) are directed to contact the Insured Benefits Branch of Manitoba Health.

During our review, this disclosure privacy notice and consent document could only be viewed when requesting an immunization card, which is not ideal as it does not allow for individuals to refer back to the information later. Our office raised this with Manitoba Central Services, who indicated that the intention was that the privacy notice and consent document be available at any time or stage in the process. The privacy notice and consent document subsequently became accessible anytime through the immunization card app or portal.

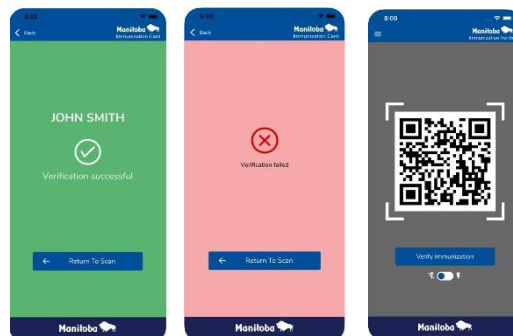
### How is immunization status verified when using the Manitoba immunization card?

To facilitate scanning the QR code on the Manitoba immunization card, the Business Transformation and Technology Division of Manitoba Central Services developed the Manitoba immunization verifier application (app). The Manitoba immunization card can only be verified using this application. Anyone with a compatible smartphone or tablet can download and use the app for personal or commercial use, both inside and outside Manitoba. Though this is a separate app from the immunization card app, it utilizes the same account login (email and password) that individuals create when they request an immunization card online. If preferred, a separate email address and password can be used to log in, which allows for organizations to create verifier account(s) to be used by their employees.

One verifier account can be used by multiple employees on different devices at the same time. Due to logistical limitations of using standard devices for large scale venues or events, for example arenas or large outdoor festivals, the province has commercial scanners available for these circumstances. These scanners, owned by the province, are assigned to applicable organizations and identified by device identification number, rather than a log-in email address. The high-volume scanners use the Manitoba high-volume verifier application, which the province advised is the same as the Manitoba immunization verifier app but designed for high-volume traffic.

### Scanning the Manitoba immunization card

The Manitoba verifier app uses the device's camera function to scan the QR code on the immunization card it is verifying. The verifier app does not take a picture and no image or information is saved to the verifier's device. If the QR code is successfully verified, the screen on the verifier's device will display the first and last name associated with the scanned QR code and will indicate the scan was verified. If the QR code cannot be verified, the screen will display that verification failed. A failed verification does not necessarily mean that the individual does not meet the requirements; circumstances such as technical failure could also generate this response.



The displayed information is not saved or stored on the verifier's device, and on android devices the app does not allow a screen capture to be taken. When an immunization card is scanned, the verifier views the information, and no record is created. For high-volume scanners, organizations are advised by the province to have their own policies for handling scanner issues; however, none of the examples of issues provided to our office related to handling of personal health information by organization staff.

## Logging

Each verification attempt (scan) of a Manitoba immunization card is logged. The data logged includes requestor (verifier) ID, certificate ID, date and time, and if the QR code scanned was valid.

## Differences between the Manitoba immunization card and the pan-Canadian card (PVC)

Manitobans may have both a Manitoba immunization card and a pan-Canadian COVID-19 proof of vaccination credential (PVC). Where the Manitoba immunization card was designed to be used in Manitoba, the pan-Canadian COVID-19 proof of vaccination credential (PVC) is a proof of vaccination history for international and interprovincial travel. On October 25, 2021, the government announced that the PVC could also be accessed through the Manitoba immunization and verifier app and that individuals who applied for the PVC could “toggle” between both cards through the Manitoba app.

In a technical briefing published by the province<sup>5</sup>, the differences between the personal health information that could be accessed through the federally regulated PVC, as compared with the Manitoba immunization card, was explained in the following chart:

Differences	Manitoba Immunization Card	Pan-Canadian PVC
Valid in Manitoba	Yes	Yes
QR code contains personal information	No	Yes
Verified by the Manitoba Verifier app	Yes	November 2021
Used for federally-regulated purposes, like travel	No	Yes
Verified in other jurisdictions and countries?	No	Yes, but check with destinations in advance
Valid outside Manitoba?	Limited	Yes
Available on Web Portal?	Yes	PVC can be requested on portal and will be sent by email
QR code can be updated without replacing the existing card	Yes	No

While both cards are designed to offer proof of Covid-19 vaccination, each card was designed for a different purpose and will have differing personal and personal health information data requirements to achieve their intended purpose. The PVC contains the personal health information described below directly on the pan-Canadian credential itself and is also embedded in the credential's QRcode. The government of Canada's immigration website contains the following description of the personal and personal health information on the credential:

### ***Designed to protect privacy and share COVID-19 vaccination information safely***

*The information on the proof of vaccination is limited to*

- *the holder's full name and date of birth*

<sup>5</sup> See Manitoba Government Asset Library Proactive website; Technical Briefing Immunization Card, October 2021, pg 8-9

- *a neutral, factual account of the holder's COVID-19 vaccination history, including*
  - *the number of doses*
  - *the vaccine type(s), product name(s) and lot number(s)*
  - *the dates they got their vaccinations*
  - *a QR code that includes the vaccination history and may include additional information on the COVID-19 vaccines received*

*The only medical information shown is a person's COVID-19 vaccination history. The proof, including the QR code, does not contain any additional medical or identity information.<sup>6</sup>*

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<sup>6</sup> [Using Canada's COVID-19 proof of vaccination for travel - Canada.ca](#)

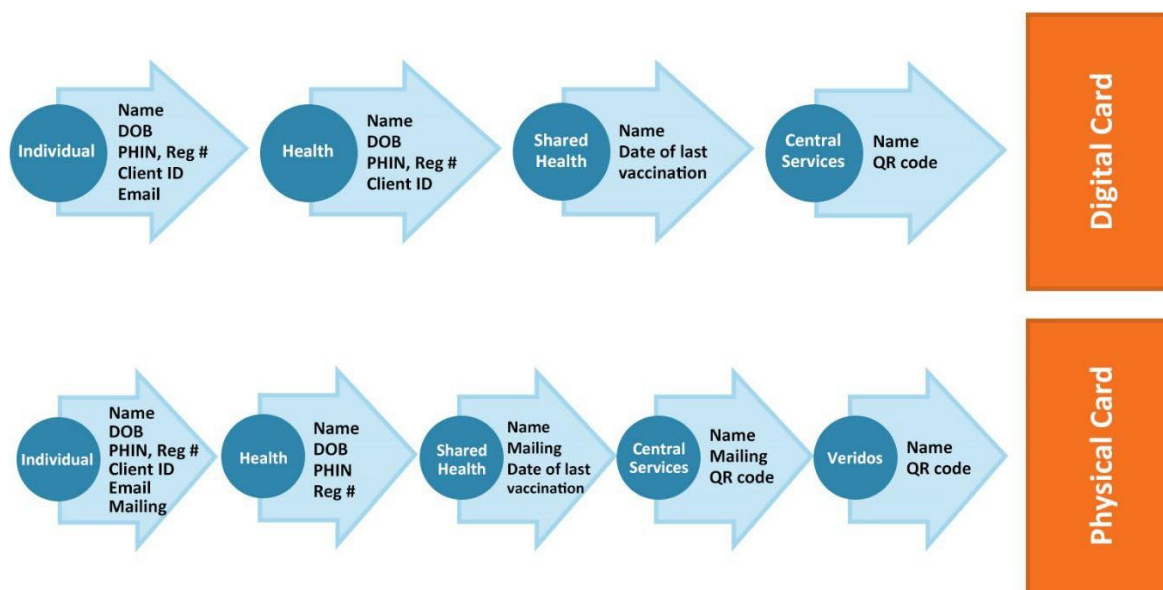


## ANALYSIS AND FINDINGS ON COMPLIANCE - THE MANITOBA IMMUNIZATION CARD INITIATIVE

Our primary goal was to review the Manitoba immunization card initiative's compliance with the privacy protection rules for the collection, use, disclosure and retention of Manitoban's personal health information and to determine whether the security safeguards met the minimum requirements established for trustees under PHIA.

Our review considered the purpose and scope of the initiative, the architecture of the card, including modifications to the technology and the retention of personal or personal health information in the development, implementation and deactivation phase of the immunization card. We examined these elements against the privacy and security provisions of PHIA, the recommended principles outlined in the May 2021 joint statement by the federal, provincial and territorial privacy commissioners on COVID-19 vaccination passports that we provided to provincial departments in our initial meetings (Appendix A) and with established fair information practices (Appendix B).

The image below illustrates how personal and personal health information flows from the individual to the trustee at the point of application and then the specific information provided from one trustee to another in order to create the Manitoba immunization card, in both digital and physical form. The information flow was described in the privacy impact assessments completed by both departments during the initial and subsequent phase of the initiative to guide the development of the initiative. The paragraphs that follow contain our findings of legislative compliance together with information that explains activities of the trustees to mitigate potential privacy risks and safeguard the personal health information of Manitobans.





**The collection of personal health information by Manitoba Health is authorized under PHIA and is limited to the minimum amount reasonably necessary to accomplish the purpose for which it is collected.**

The information individuals requesting an immunization card are asked to provide Manitoba Health is depicted in the flow chart above. Individuals provide the requested personal health information themselves, or ask a family member or friend to provide the information on their behalf, with consent.

Section 13 of PHIA allows trustees to collect personal health information when the information is being collected for a lawful purpose related to a function or activity of the trustee and the collection of the information is necessary for that purpose. It also states that the amount of personal health information collected must be the minimum amount reasonably necessary to accomplish the purpose for which it was collected.

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*The collection of information by Manitoba Health is limited to what is reasonable to confirm the identity and to match an individual to their record of vaccination.*

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Under PHIA, whenever possible (and except in certain circumstances) personal health information must be collected directly from the individual the information is about (subsection 14(1)). Subsection 14(2)(a) of PHIA allows for an individual to consent to Manitoba Health collecting their personal health information from someone other than themselves, for example if they

ask a family member or friend to provide the information on their behalf. Subsection 14(2)(d.1)(ii) of PHIA allows for indirect collection for the purpose of determining or verifying eligibility to participate in a program of the trustee during the processing of an application made by or on behalf of the individual. This includes verifying eligibility to receive a Manitoba immunization card.

As stated in its privacy impact assessment, the collection of personal health information by Manitoba Health is for the purposes of issuing and printing (when requested) an immunization card, as well as maintaining a digital record of a person's immunization status. The collection of personal health information relates directly to and is necessary for Manitoba Health to verify the identity of the person requesting an immunization card, to verify eligibility, and to issue an immunization card. The department's privacy impact assessment informed that the information being collected is restricted to the information required to match an individual to the correct PHIMS record. It is reasonable that Manitoba Health would need to collect the listed elements of information to ensure it is correctly matching individuals to their record of vaccination.

When collecting personal health information directly from individuals, Manitoba Health is required to provide information on the purpose of the collection and who individuals can contact with questions about the collection (section 15 of PHIA). This information is included in Manitoba Health's consent and notice document (Appendix D).



**The use of the personal health information by Manitoba Health is authorized under PHIA and the use is limited to the minimum amount reasonably necessary.**

Once a request has been submitted, Manitoba Health uses an individual's name, PHIN and Manitoba health registration number, or client ID (if they do not have a Manitoba health card), and date of birth to confirm the identity of the individual requesting a card and their eligibility to receive a card (fully vaccinated or medical exemption). In order to confirm eligibility, an electronic request is sent from Manitoba Health to Digital Health. Digital Health obtains the individual's vaccination information and

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*Name, PHIN, Manitoba health registration number, client ID, and date of birth are used to confirm the identity of the requestor and their eligibility.*

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address. This is authorized under section 21 of PHIA because it is using the personal health information for the purpose for which it was collected.

Limiting use involves limiting the amount of information used to what is reasonably necessary to accomplish the purpose of the use and limiting which employees have access or with whom the information is shared. Manitoba Health uses the personal health information for two purposes: confirming identity and confirming

eligibility. Both uses are required in order to proceed with creating an immunization card because Manitoba Health needs to know who is requesting a card, know they are connecting the right individual to the right immunization record, and know that the individual is eligible to receive an immunization card. The use of the personal health information is limited to the minimum amount of information reasonably necessary to accomplish these two purposes (subsection 20(2) of PHIA).



**The disclosure of personal health information by Manitoba Health to Manitoba Central Services and to Veridos Canada Limited is authorized under PHIA through consent and the disclosure is limited to the minimum amount reasonably necessary.**

Subsection 22(1)(b) of PHIA permits disclosure when an individual has consented to the disclosure. Consent and notice, are important because they provide an individual with information about why they are being asked for their personal or personal health information, how that information is going to be used, and with whom it will be shared. Strong consent and notice documents also provide other important information.

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*Name, date of immunization, and mailing address (physical card) is disclosed to Central Services to create a Manitoba immunization card.*

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This includes who an individual can talk to if they have questions or if they believe recorded information about them is incorrect. Consent and notice documents can also let individuals know how long their information may be kept. Having all of this information allows individuals to make informed decisions about sharing their personal or personal health information.

When individuals apply for an immunization card, their consent is required before Manitoba Health provides (discloses) their personal health information to Manitoba Central Services and to Veridos

Canada Limited. The consent (Appendix D) specifies the personal health information that will be disclosed: name, date of immunization, and mailing address for a physical card is disclosed to Central Services; name, QR code, and mailing address is disclosed to Veridos Canada Limited to produce a physical card. When consent is required for a disclosure, section 19.1 of PHIA outlines that the consent must relate to the purpose of the disclosure, be knowledgeable, be voluntary, and not be obtained through misrepresentation. These elements are met by the Manitoba immunization card initiative consent and notice document (Appendix D). The document is specific to and provides accurate information about the Manitoba immunization card initiative, applying for the card is voluntary, and the Manitoba immunization card has not been required in order to access essential goods and services. This means that those who choose not to apply for an immunization card are not prevented from accessing essential goods and services.

Even with consent, disclosure must still be limited. Limiting disclosure means limiting the amount of information that leaves the entity. Having a clear purpose is key to limiting disclosure to only what information is necessary to accomplish the purpose. In order to produce the digital and physical immunization cards, Digital Health, on behalf of Manitoba Health, discloses the personal health information to Manitoba Central Services. Manitoba Central Services creates the QR code that is used on the digital and physical immunization cards. When individuals request a physical immunization card, the QR code along with the individual's name and mailing address is disclosed by Manitoba Central Services to Veridos Canada Limited, who is responsible for producing and mailing the physical cards. The disclosure of personal health information to Veridos Canada Limited is limited to the minimum amount reasonably necessary to accomplish the purpose of the disclosure (subsection 20(2) of PHIA).



**The disclosure of personal health information by Manitoba Health to a third party scanning a Manitoba immunization card is authorized under PHIA through consent and the disclosure is limited to the minimum amount necessary.**

Under subsection 22(1)(b) of PHIA, a trustee may disclose personal health information if the individual the information is about has consented to the disclosure. When an individual presents their immunization card to be scanned, they are authorizing Manitoba Health to disclose their personal health information to the third party scanning their QR code. This is explained to individuals in the consent they provide when requesting their vaccination card (Appendix D). Specifically, individuals acknowledged that they understood that by presenting the QR code on their immunization card to a third party to be scanned, they

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*A successful verification displays name and that verification was successful. An unsuccessful verification does not display information other than that verification failed.*

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consented to the disclosure by Manitoba Health to the third party scanning the QR code. The consent and notice document (Appendix D) meets the requirements under section 19.1 of PHIA. The consent and notice also provides individuals with information about how they can withdraw consent and in what circumstances (section 19.2 of PHIA).

In keeping with subsection 20(2) of PHIA, the personal health information disclosed is limited to what is reasonably necessary to accomplish the purpose of the disclosure. All that is displayed is the individual's name and that verification was successful. There is no distinction between verification because of vaccination or because of medical exemption.



### **Personal health information is not collected when a third party scans the QR code on a Manitoba immunization card using the Manitoba immunization verification application**

Scanning the QR code on the Manitoba immunization card using the Manitoba immunization verification application does not involve the collection of personal health information. The Manitoba immunization card is designed so that it can only be successfully scanned by the Manitoba immunization verification app.

In order for a collection of personal health information to occur under PHIA, a record must be created of the personal health information. This means that simply viewing personal health information is not a collection under PHIA. As noted, when a Manitoba immunization card is scanned using the Manitoba verifier app, the verifier views the information and no record of the personal health information is created by the verifier app. In its terms of use document (Appendix E), the province states that verifiers must not make a record of any card holder information accessed while using the verifier app.

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*No personal health information is collected when the Manitoba immunization card is scanned.*

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If a public body or other trustee creates a record (documents or otherwise records the personal health information) after viewing the personal health information, then this would be a collection and there must be authority under PHIA for the collection, as well as any subsequent use or disclosure of the personal health information. If the third party scanning the QR code on a vaccination card is not a public body or other trustee, then requirements under PHIA do not apply to them. If the third party is a business, they may be subject to federal privacy legislation.



### **Metadata is logged when the Manitoba verifier app scans a QR code to track performance or security issues.**

Each verification attempt (scan) of a Manitoba immunization card is logged and contains metadata identifying the certificate verified and the unique ID of the verifier. Metadata means "data about data". Metadata is defined as the data providing information about one or more aspects of the data; it is used to summarize basic information about data that can make tracking and working with specific data easier<sup>7</sup>. Tracking and auditing metadata can assist with identifying potential performance or security issues, and identification of fraudulent patterns, such as when a Manitoba verifier app scans QR codes not issued by the province. The province states that anonymous and non-identifying usage data and metrics, related to both the card app and verifier app adoption and usage, will be collected and shared by Manitoba Central

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<sup>7</sup> Source: "A Guardian Guide to your Metadata"; theguardian.com; Guardian News and Media Limited; 12 June 2013

Services with Manitoba Health. Examples include the number of app downloads and deletions, card format scanned (digital or physical), device type (IOS, android, or commercial scanner), sign-in email for regular verifier accounts or scanner ID for high volume verifier accounts. Email addresses collected are converted to an alpha numeric string to anonymize them.

Manitoba Health has identified a security record retention schedule, which applies to security (i.e., verification) logs. These logs contain requestor ID, certificate ID, date and time, and if the QR code scanned was valid. Retention period is three years. However, if the log is subject to investigation or audit, the information is retained for seven years.



**Security measures are in place to protect the personal health information collected and disclosed as part of the Manitoba immunization card initiative.**

Security safeguards serve to protect the personal health information held by trustees and those acting on their behalf. They are also required under section 18 of PHIA. Policies, procedures, and other safeguards can minimize the risk of unauthorized access, use, disclosure, or destruction of personal health information simply by raising awareness among those involved, including information managers. For example, pledges of confidentiality ensure that those who have access to personal health information are aware of their obligations under PHIA and commit to protecting personal health information. Written agreements are another way trustees can outline obligations and expectations, particularly when they are sharing information with other entities, for example Manitoba Health sharing information with Digital Health, Manitoba Central Services and Veridos Canada Limited.

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*Security safeguards serve to protect the personal health information held by trustees, and those acting on their behalf.*

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Under subsection 25(3) of PHIA, written agreements are required when sharing information with information managers. Digital Health and Veridos Canada Limited are considered information managers, and a written agreement is required with each of these entities.

Manitoba Health had a pre-existing information manager and services agreement for PHIMS with Shared Health – Digital Health, and in 2021 this agreement was revised to reflect the Manitoba immunization card initiative. Our office reviewed the revised information manager and services agreement for PHIMS between Manitoba Health and Shared Health – Digital Health. We note that the agreement meets the requirements under PHIA for a written information manager agreement.

Manitoba Health entered into a written agreement with Veridos Canada Limited. As part of our review, we examined a copy of the information sharing agreement between Manitoba Health and Veridos Canada Limited. This agreement meets the requirements under PHIA for a written information manager agreement. Even though Manitoba Central Services transfers the information to Veridos Canada Limited, Manitoba Health, as the originating trustee, is able to enter into the agreement with Veridos.

Manitoba Health has a written agreement with Manitoba Central Services, setting out the authority for Manitoba Health to disclose personal health information to Manitoba Central Services, and for Manitoba Central Services to collect this information. As part of our review, we reviewed this written agreement. Central Service's role can be characterized as processing

information as well as providing a technology service, so a written agreement is required. The letter of understanding with Central Services meets the requirements under PHIA for a written agreement.

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*As required under PHIA, Manitoba Health entered into written agreements with Manitoba Central Services, Digital Health, and Veridos Canada Limited.*

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The PHIA regulation states that electronic systems must be able to create and maintain a record of user activity. In the regulation, a record of user activity means a record about access to personal health information maintained on an electronic information system. Having this capacity allows trustees to monitor for unauthorized activity and to investigate concerns about unauthorized activity. Through its privacy impact assessment, Manitoba Health proactively identified measures and took steps to strengthen its internal technical and physical safeguards to protect the integrity of the system by putting security audits in place.



**The trustee's written agreements contain requirements for retention and destruction of the personal or personal health information collected specifically for the Manitoba immunization card initiative.**

Our office considered the agreements described above in relation to the requirements under section 25 of the Act for the day-to-day management and protection of personal health information. For example, the agreement between Manitoba Health and Manitoba Central Services formally sets out the requirements for destruction of personal or personal health information upon termination of the agreement and upon notice from Manitoba Health that an individual no longer consents to the disclosure of their information at which time the information must be terminated in a manner that protects the confidentiality of their information.

The Information Sharing Agreement between Manitoba Health and Veridos Canada requires Veridos to destroy the personal information and personal health information it receives from the department upon a request from Manitoba Health, the termination of the agreement or when Veridos completes the services.

The agreement may also be immediately terminated by Manitoba Health if it determines that any information was accessed, used, disclosed, altered or retained by Veridos in an unauthorized manner. The agreement also contains extensive obligations about refraining from any secondary collection, access or disclosure; ensuring destruction of the personal or personal health information in any and all formats, electronic or otherwise; and requiring written confirmation of the destruction be provided to the department.



The privacy impact assessment completed by Manitoba Health also noted that Manitoba Central Services (BTT) and Veridos each delete the certificate information and data required to produce the immunization card following verification of successful completion, generally on a daily basis.



**The personal health information collected as part of the Manitoba immunization card initiative can be deleted upon request.**

Individuals can submit a request to the province at any time to permanently delete their immunization card, at which time their personal health information maintained as part of the immunization card initiative would be deleted.

Our office was advised that individuals who wish to disable or delete the digital record of their vaccine status for the Manitoba immunization card can contact Manitoba Health, Insured Benefits Branch.<sup>8</sup>

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<sup>8</sup> [Contact Us | Health | Province of Manitoba \(gov.mb.ca\)](https://www.gov.mb.ca/health/contact-us)



## THE MANITOBA IMMUNIZATION CARD INITIATIVE IN 2023: A NARROWED SCOPE

We noted that the information management agreements contain requirements for retention and destruction of the personal or personal health information related to the card production. However, section 17 of PHIA requires that a trustee establish a retention and destruction policy that specifies how long the personal health information must be retained and when and how it should be destroyed. PHIA also requires that personal health information is destroyed in accordance with that policy and in a manner that protects the privacy of the individual the information is about from unauthorized activity. This means that Manitoba Health is required to have a retention and destruction policy for personal health information in any form that it does not need. Having a retention schedule or policy with defined parameters or markers (understanding that parameters and markers can be reassessed over time) helps ensure that personal health information is not kept longer than is reasonably necessary.

A retention and destruction policy goes hand in hand with a decommissioning plan, which sets out how a trustee intends to conclude its ongoing collection, use or disclosure of personal health information, and what measures will be taken to ensure the destruction of the information in its care or to ensure security of that which it must maintain – and the reasons for its retention.

During the initial stages of our investigation, Manitoba Health explained that when or if the immunization cards are deemed to be no longer required, Manitoba Health, along with the stakeholders, would be responsible for developing and executing a decommissioning plan, and that a plan would be developed if/when required. While a decommissioning plan is not required under PHIA, it is a best practice to consider including more specific information on criteria and review timelines, for its continued use, at the outset of the initiative. This would have allowed the department to communicate the plan to the public and enable greater public confidence in the security safeguards employed to protect the personal health information for the entire duration of the initiative including during de-activation.

In its joint statement on vaccine passports in 2021, the federal, provincial and territorial privacy commissioners emphasized the importance of considering the time limits for passport active use. The commissioners stated:

*Any personal health information collected through vaccine passports should be destroyed and vaccine passports decommissioned when the pandemic is declared over by public health officials or when vaccine passports are determined not to be a necessary, effective or proportionate response to address their public health purposes. Vaccine passports should not be used for any purpose other than COVID-19.<sup>9</sup>*

We noted previously that the province announced an update to the Manitoba immunization app on October 25, 2021 (see page 13) to include the pan-Canadian Covid-19 proof of vaccination credential (PVC).

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<sup>9</sup> See Appendix A

As of March 1, 2022, the province announced that it no longer required the use of the Manitoba immunization card.

On February 10, 2023, Manitoba Health announced that the immunization card would no longer be provided and the Manitoba verifier app discontinued. In a media release to the public, the government stated:

*Manitoba Health advises that changes have been made to the Manitoba immunization card and verifier apps. People who previously downloaded the immunization card app will have Manitoba QR code access but that will be removed in a future update to the app. The updated app will continue to display pan-Canadian proof of vaccination credentials (PVC), and COVID-19 immunization information can continue to be updated. The Manitoba verifier app has been discontinued. Both apps have been removed from the Apple and Google Play stores. Additionally, physical Manitoba immunization cards are no longer being provided.<sup>10</sup>*

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*Pandemic uncertainties are part of why it is so important to have a clearly defined plan, objectives, or decision-making processes to inform decommissioning of the Manitoba immunization card initiative.*

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Given the province's earlier commitment to develop and execute a decommissioning plan when the immunization card was no longer required, we asked about the state of such a plan.

In discussion with our office in June 2023, Manitoba Health and its partners explained that provincial systems to address Covid-19 are still active and although the emergency health orders have ceased, the province continues to oversee the public health of its citizens in relation to prevention and management of the virus, including through immunizations. This is consistent with the World Health Organization's position which declared the end of Covid-19 as a global health emergency, in May 2023, but that it remained a global health threat.<sup>11</sup>

Senior departmental officials noted that although some parts of the initiative have ended as described in the news release (see above), the technology underpinning the Manitoba system, such as the immunization card app, has been changed so it can still be updated with immunization information needed for the PVC, and accessed by the individual through the modified app, if it had previously been downloaded. We have been told that the system for the usage of the federal PVC through the technology of the Manitoba immunization card initiative has, therefore, not been decommissioned and will not be until such time as the federal government determines that the pan-Canadian Covid-19 proof of vaccination credential is not required by certain international countries for entrance.

In light of what we were told, we asked the department and its stakeholders to clarify exactly what components of the Manitoba immunization card initiative were being used and what, if any, of the personal or personal health information collected, used or disclosed for the purpose of obtaining the Manitoba card was still being retained or stored. The department of Central Services explained that the retained personal health information is limited to an individual's email address, vaccination type and vaccination date noting that this information is required in order to create a PVC if needed.

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<sup>10</sup> [Province of Manitoba | News Releases | COVID-19 Bulletin #589 \(gov.mb.ca\)](#)

<sup>11</sup> [WHO chief declares end to COVID-19 as a global health emergency | UN News](#)

The information is stored securely in two protected databases: one for authentication upon registering for an account and in the specially created immunization card database. We understand that these are not accessible to the public. It was further explained that while the verifier app has not itself been decommissioned as a technology, it has been deactivated as a service. Therefore, there is no risk of using the verifier app to access personal or personal health information, however minimal the information is. Our office was assured that while an individual could request deletion of this information upon request to Manitoba Health, that the department was working on a process to “decouple” or separate the personal health information needed for the federal PVC from the Manitoba immunization card database, so that the information collected, used and disclosed solely for obtaining a Manitoba card could be fully deleted. The departments stated that they are also working on enhancing the process for citizens to request deletion of the vaccination information held in the card initiative component, if they do not intend to obtain a PVC, to promote greater ease for the individual.

In considering the trustees’ compliance with PHIA, the continued retention of the individual’s email address, vaccination date and type is limited to the minimum amount reasonably necessary for the purpose of producing the PVC and that personal and personal health information is used only when an individual requests the federal card and provides consent. In narrowing the retention and use of the information related to the Manitoba immunization card, the government is complying with the principles of minimal amount and authorization by consent. Further, a citizen has control over this retained personal health information. They can request that it be used for a PVC, or they can request that it be deleted (see page 22).

We also find that Manitoba Health took appropriate steps to explain the deactivation of some parts of the initiative and changes to others, in its news release of February 2023 (cited above) which provides the public with some elements of a plan to deactivate the Manitoba card. To summarize, these changes are as follows:

- The end of the requirement for proof of vaccination within the province
- No further production of the physical immunization card
- The continued functionality to add immunization information for the purpose of the PVC
- The continued functionality of the immunization card app for individuals to read their proof of vaccination information on a limited basis (see details in bulletin page 26)
- The discontinuation of the verifier app

The detailed explanation found in the news release is located on the government’s general news site and is not found on the Manitoba Covid Immunization website.<sup>12</sup> On the covid website, for example, there is also a reference that the verifier app is still available. It would be helpful for the public to have consistent information in one place.

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<sup>12</sup> [Province of Manitoba | Vaccination and Eligibility \(gov.mb.ca\)](https://www.gov.mb.ca/health/immunization/), see Immunization Certificates and Immunization Records

## CONCLUSION

The Covid-19 pandemic was filled with uncertainty and did not always move in a linear fashion. Proof of vaccination or immunization requirements were used to achieve a public health purpose and enabled citizens to access geographic locations, services, or premises and experience less public health restrictions like the ability to resume travel without needing to self-isolate on return to Manitoba.

With the Manitoba immunization card initiative, the province used advanced technology to develop a new public health tool for proof of vaccination. The card, in digital or physical form, needed to be usable throughout the province in a broad range of social environments to allow for safe re-opening at the same time as the gradual removal of the emergency health orders. The immunization cards needed to be accurate, readily available and verifiable while protecting an individual's personal health information from unauthorized collection, use and disclosure. The work to ensure privacy protections were considered in the development and operation of the immunization card during a critical phase of the province's history was a primary obligation for government.

In our review of the Manitoba immunization card initiative, we considered its purpose, the development and architecture of the card, including modifications to the technology and the retention of personal or personal health information. We examined these elements against the privacy and security provisions of PHIA, established fair information practices and the principles recommended by Privacy Commissioners across Canada in the joint statement on Covid-19 vaccination passports.

Our intent was to also go beyond a compliance assessment and report to every Manitoban on how the card worked and the measures taken by government to protect their personal health information. Above all, we hoped our review would assure the public that the security of their health information was a crucial consideration in the creation, operation and deactivation of the Manitoba immunization card.

Why is this still important? As of May 2023, Covid-19 is no longer deemed a global health emergency but the pandemic has not yet come to an end. The immunization card is no longer required to demonstrate proof of vaccination in Manitoba or across the country. Its initial public health purpose is complete at the local level, but not internationally. Although the Manitoba immunization card is no longer produced nor required, the technology underpinning the card is the foundation of the pan-Canadian Covid-19 proof of vaccination credential and also has the potential to be adapted for other initiatives. The security of personal health information should still be paramount in the minds of citizens.

From a privacy perspective, it is clear that the trustees (government departments) and the organizations involved took appropriate measures to keep the personal and personal health information secure and protected while making sure the Manitoba immunization card met its objectives.

Through our review, including our conversations with department representatives, it was evident that the Manitoba immunization card and verifier applications were designed with privacy in mind. We note due diligence was exercised by the departments to amend their privacy impact assessments and practices to strengthen privacy protections and update policies and information available to the public during the development and implementation of the initiative.

We found that 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. Participation was initiated by the individual and was based on informed consent. Written agreements and other security safeguards were in compliance with the requirements of PHIA.

Overall, we find that the Manitoba immunization card was and is compliant with PHIA. The principles of fair information practices were evident in the development, implementation and deactivation phases of the Manitoba Immunization card initiative. The province has issued some clear guidance about the deactivation of some parts of the initiative, specifically changes to the apps and the requirement for and production of the physical card. However, the departments do not yet have a defined plan to inform decommissioning the initiative once the pan-Canadian Covid-19 proof of vaccination credential is no longer required for international travel. While a decommissioning plan is not required by PHIA, it is considered a best practice. Accordingly, we encourage the departments to develop a clear plan or decision-making process to inform the decommissioning of the Manitoba immunization card when it no longer serves a public health purpose. This would help to mitigate privacy risks before the demand for the technology and infrastructure, or the data itself, is overtaken by the need or desire to provide a new benefit or service to Manitobans.

It is our view that any opportunities to use the immunization card's technical infrastructure for a new or related initiative, (e.g., proof of other types of vaccinations or other personal health information) must include a complete privacy impact assessment specific to its new purpose, a clear retention schedule of personal and personal health information involved and, where appropriate, a decommissioning plan prior to implementation. Such a proactive approach to privacy helps to strengthen the public's trust in government when handling personal health information in its custody and demonstrates transparency and consistency in decision making.

We recognize that the development of the immunization card initiative was time-sensitive and it was evident that the trustees employed a strong privacy management approach in their work to create the Manitoba immunization card and verifier applications, upholding their obligations and demonstrating a respect for the privacy rights of Manitobans. We encourage the departments to continue to apply a privacy lens to any new projects and initiatives involving personal and personal health information.

## Appendix A

### Privacy and COVID-19 Vaccine Passports

#### Joint Statement by Federal, Provincial and Territorial Privacy Commissioners

May 19, 2021

### Background

Vaccine passports<sup>1</sup> are being considered by some governments and businesses as a means of allowing a return to something more closely resembling normal life. Canada's Privacy Commissioners have decided to make a statement at this time in an effort to ensure that privacy is considered at the earliest opportunity as part of any discussions about vaccine passport development.

A vaccine passport can take a number of different forms, such as a digital certificate presented on a smart phone app or a paper certificate, but it essentially functions to provide an individual with a verified means of proving they are vaccinated in order to travel or to gain access to services or locations. Proponents justify this measure based on the idea that vaccinated individuals have a significantly decreased risk of becoming infected and a decreased risk of infecting others<sup>2</sup>. If supported by evidence of their effectiveness, vaccine passports could bring about broad and impactful benefits, including allowing increased personal liberties, fewer restrictions on social gatherings, and accelerated economic recovery resulting from greater participation in society.

At its essence, a vaccine passport presumes that individuals will be required or requested to disclose personal health information – their vaccine/immunity status – in exchange for goods, services and/or access to certain premises or locations. While this may offer substantial public benefit, it is an encroachment on civil liberties that should be taken only after careful consideration. This statement focuses on the privacy considerations.

Vaccine passports must be developed and implemented in compliance with applicable privacy laws. They should also incorporate privacy best practices in order to achieve the highest level of privacy protection commensurate with the sensitivity of the personal health information that will be collected, used or disclosed.

Above all, and in light of the significant privacy risks involved, the necessity, effectiveness and proportionality of vaccine passports must be established for each specific context in which they will be used.

- **Necessity:** vaccine passports must be necessary to achieve each intended public health purpose. Their necessity must be evidence-based and there must be no other less privacy-intrusive measures available and equally effective in achieving the specified purposes.

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<sup>1</sup> *Vaccine passport* is the most common term, which refers to a means of confirming a person's COVID-19 vaccination or immunity status. There are others, such as *immunity passport*, *vaccine* or *vaccination certificate or card*, and *digital proof of vaccination*, and all of these terms may have slightly different meanings in different jurisdictions.

<sup>2</sup> According to the recent [Report of the Chief Science Advisor of Canada on this issue](#) (March 31, 2021).

- **Effectiveness:** vaccine passports must be likely to be effective at achieving each of their defined purposes at the outset and must continue to be effective throughout their lifecycle.
- **Proportionality:** the privacy risks associated with vaccine passports must be proportionate to each of the public health purposes they are intended to address. Data minimization should be applied so that the least amount of personal health information is collected, used or disclosed.

The necessity, effectiveness and proportionality of vaccine passports must be continually monitored to ensure that they continue to be justified. Vaccine passports must be decommissioned if, at any time, it is determined that they are not a necessary, effective or proportionate response to address their public health purposes.

So far we have not been presented with evidence of vaccine effectiveness to prevent transmission, although members of the scientific community have indicated that this may be forthcoming. We recognize that scientific knowledge about COVID-19 and the vaccines is advancing quickly and discussions about vaccine passports are underway in some jurisdictions. When contemplating the introduction of vaccine passports, we recommend that governments and businesses adhere to the following privacy principles:

- **Legal authority:** There must be clear legal authority for introducing use of vaccine passports for each intended purpose. Public and private sector entities that require or request individuals to present a vaccine passport in order to receive services or enter premises must ensure that they have the legal authority to make such a demand or request. Clear legal authority for vaccine passports may come from a new statute, an existing statute, an amendment to a statute, or a public health order that clearly specifies the legal authority to request or require a vaccine passport, to whom that authority is being given, and the specific circumstances in which that can occur.
- **Consent and trust:** For vaccine passports introduced by and for the use of public bodies, consent alone is not a sufficient basis upon which to proceed under existing public sector privacy laws. Furthermore, consent alone may not be meaningful for people dealing with governments and public bodies that often have a monopoly over the services they provide. The legal authority for such passports should therefore not rely on consent alone.

For businesses and other entities that are subject to private sector privacy laws and are considering some form of vaccine passport, the clearest authority under which to proceed would be a newly enacted public health order or law requiring the presentation of a vaccine passport to enter a premises or receive a service. Absent such order or law, i.e. relying on existing privacy legislation, consent may provide sufficient authority if it meets all of the following conditions, which must be applied contextually given the specifics of the vaccine passport and its implementation:

- Consent must be voluntary and meaningful, based on clear and plain language describing the specific purpose to be achieved;
- The information must be necessary to achieve the purpose;
- The purpose must be one that a reasonable person would consider appropriate in the circumstances;

- Individuals must have a true choice: consent must not be required as a condition of service.

In Quebec, consent cannot form the legal basis for vaccine passports. In that jurisdiction, requesting their presentation would require that the information is necessary to achieve a specific purpose, one that is serious and legitimate.

- **Limiting Collection, Use, Disclosure and Retention / Purpose Limitation:** The collection, use, disclosure and retention of personal health information should be limited to that which is necessary for the purposes of developing and implementing vaccine passports. Active tracking or logging of an individual's activities through a vaccine passport, whether by app developers, government, or any third party, should not be permitted. Also, the creation of new central databases of vaccine information nationally or across jurisdictions should not be permitted, other than the local databases necessary for the administration and verification of the vaccine. Secondary uses of personal health information collected, used or disclosed through vaccine passports must be limited to only those required or authorized by law.
- **Transparency:** Canadians should be informed about the purposes and scope of vaccine passports and about the collection, use, disclosure, retention and disposal of their personal health information for the purposes of vaccine passports.
- **Accountability:** Policies, agreements and laws must minimize any impact on privacy. Individuals should be informed about who to contact to request access to, and correction of, any information available through vaccine passports or to make an inquiry or complaint about vaccine passports.
- **Safeguards:** Technical, physical and administrative safeguards must be put in place that are commensurate with the sensitivity of the information to be collected, used or disclosed through vaccine passports. Processes must be put in place to regularly test, assess and evaluate the effectiveness of the privacy and security measures adopted.
- **Independent Oversight:** To ensure accountability and reinforce public trust, Privacy Commissioners should be consulted throughout the development and implementation of vaccine passports. Privacy Impact Assessments or other meaningful privacy analyses should be completed, reviewed by Privacy Commissioners, and a plain-language summary published proactively.
- **Time and Scope Limitation:** Any personal health information collected through vaccine passports should be destroyed and vaccine passports decommissioned when the pandemic is declared over by public health officials or when vaccine passports are determined not to be a necessary, effective or proportionate response to address their public health purposes. Vaccine passports should not be used for any purpose other than COVID-19.



## Appendix B

### Principles of Fair Information Practices, Canadian Standards Association Principles in Summary Model, Code for the Protection of Personal Information (1996)



**1. ACCOUNTABILITY** A public body is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the public body's compliance with the following principles.

**2. IDENTIFYING PURPOSES** The purpose for which personal information is collected shall be identified by the public body at or before the time the information is collected.

**3. CONSENT** The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

**4. LIMITING COLLECTION** The collection of personal information shall be limited to that which is necessary for the purposes identified by the public body. Information shall be collected by lawful means.

**5. LIMITED USE, DISCLOSURE AND RETENTION** Personal information shall not be used or disclosed for purposes other than those which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

**6. ACCURACY** Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

**7. SAFEGUARDS** Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

**8. OPENNESS** A public body shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

**9. INDIVIDUAL ACCESS** Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

**10. CHALLENGING COMPLIANCE** An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the public body's compliance.

*Adapted with permission from 10 Privacy Principles by the B.C. government.*

## **Appendix C**

### **Relevant Provisions of the Personal Health Information Act**

#### **DIVISION 1 RESTRICTIONS ON COLLECTION AND RETENTION OF INFORMATION**

##### **COLLECTION OF INFORMATION**

###### **Restrictions on collection**

**13(1)** A trustee shall not collect personal health information about an individual unless

- (a) the information is collected for a lawful purpose connected with a function or activity of the trustee; and
- (b) the collection of the information is necessary for that purpose.

###### **Limit on amount of information collected**

**13(2)** A trustee shall collect only as much personal health information about an individual as is reasonably necessary to accomplish the purpose for which it is collected.

###### **Source of information**

**14(1)** Whenever possible, a trustee shall collect personal health information directly from the individual the information is about.

###### **Exceptions**

**14(2)** Subsection (1) does not apply if

- (a) the individual has authorized another method of collection;

###### **Exceptions**

**14(2)** Subsection (1) does not apply if

- (d.1) the information is collected for the purpose of
  - (ii) determining or verifying the individual's eligibility to participate in a program of or receive a benefit or service from the trustee or from the government, and is collected in the course of processing an application made by or on behalf of the individual;

### **Notice of collection practices**

**15(1)** A trustee who collects personal health information directly from the individual the information is about shall, before it is collected or as soon as practicable afterwards, take reasonable steps to inform the individual

(a) of the purpose for which the information is being collected; and

(b) if the trustee is not a health professional, how to contact an officer or employee of the trustee who can answer the individual's questions about the collection.

## **RETENTION AND DESTRUCTION OF INFORMATION**

### **Retention and destruction policy**

**17(1)** A trustee shall establish a written policy concerning the retention and destruction of personal health information and shall comply with that policy.

### **Compliance with regulations**

**17(2)** A policy under subsection (1) must conform with any requirements of the regulations.

### **Method of destruction must protect privacy**

**17(3)** In accordance with any requirements of the regulations, a trustee shall ensure that personal health information is destroyed in a manner that protects the privacy of the individual the information is about.

### **Application of this section**

**17(5)** This section does not override or modify any requirement in an enactment of Manitoba or Canada concerning the retention or destruction of records maintained by public bodies.

## **DIVISION 2 SECURITY SAFEGUARDS AND PRIVACY BREACHES**

### **Duty to adopt security safeguards**

**18(1)** In accordance with any requirements of the regulations, a trustee shall protect personal health information by adopting reasonable administrative, technical and physical safeguards that ensure the confidentiality, security, accuracy and integrity of the information.

### **Specific safeguards**

**18(2)** Without limiting subsection (1), a trustee shall

- (a) implement controls that limit the persons who may use personal health information maintained by the trustee to those specifically authorized by the trustee to do so;
- (b) implement controls to ensure that personal health information maintained by the trustee cannot be used unless
  - (i) the identity of the person seeking to use the information is verified as a person the trustee has authorized to use it, and
  - (ii) the proposed use is verified as being authorized under this Act;
- (c) if the trustee uses electronic means to request disclosure of personal health information or to respond to requests for disclosure, implement procedures to prevent the interception of the information by unauthorized persons; and
- (d) when responding to requests for disclosure of personal health information, ensure that the request contains sufficient detail to uniquely identify the individual the information is about.

### **Additional safeguards for information in electronic form**

**18(3)** A trustee who maintains personal health information in electronic form shall implement any additional safeguards for such information required by the regulations.

### **Safeguards for sensitive information**

**19** In determining the reasonableness of security safeguards required under section 18, a trustee shall take into account the degree of sensitivity of the personal health information to be protected.

## **DIVISION 2.1 CONSENT RE PERSONAL HEALTH INFORMATION**

### **Elements of consent**

**19.1(1)** When this Act requires an individual's consent for the use or disclosure of personal health information, the consent must

- (a) relate to the purpose for which the information is used or disclosed;
- (b) be knowledgeable;
- (c) be voluntary; and
- (d) not be obtained through misrepresentation.

### **Knowledgeable consent**

**19.1(2)** Consent is knowledgeable if the individual who gives it has been provided with the information that a reasonable person in the same circumstances would need in order to make a decision about the use or disclosure of the information.

### **Express or implied consent**

**19.1(3)** Consent may be express or implied.

### **Exception**

**19.1(4)** Consent must be express, and not implied, if

- (a) a trustee makes a disclosure to a person that is not a trustee;
- (b) a trustee makes a disclosure to another trustee, but the disclosure is not for the purpose of providing health care or assisting in providing health care; or
- (c) a trustee requires consent under subsection 21(2) (employees' information).

### **Express consent need not be written**

**19.1(5)** An express consent need not be in writing.

### **Express consent can be relied on**

**19.1(6)** A trustee (other than the trustee who obtained the consent) may act in accordance with an express written consent or a record of an express consent having been given without verifying that the consent meets the requirements of subsection (1), unless he or she has reason to believe that the requirements have not been met.

### **Consent may be withdrawn**

**19.2** An individual who has given consent, whether express or implied, to the use or disclosure of personal health information may withdraw it by notifying the trustee. A withdrawal does not have retroactive effect.

### **DIVISION 3**

#### **RESTRICTIONS ON USE AND DISCLOSURE OF INFORMATION**

##### **GENERAL DUTIES OF TRUSTEES**

###### **General duty of trustees re use and disclosure**

**20(1)** A trustee shall not use or disclose personal health information except as authorized under this Division.

###### **Limit on amount of information used or disclosed**

**20(2)** Every use and disclosure by a trustee of personal health information must be limited to the minimum amount of information necessary to accomplish the purpose for which it is used or disclosed.

##### **RESTRICTIONS ON USE OF INFORMATION**

###### **Restrictions on use of information**

**21(1)** A trustee may use personal health information only for the purpose for which it was collected or received, and shall not use it for any other purpose, unless

- (a) the other purpose is directly related to the purpose for which the personal health information was collected or received;
- (b) the individual the personal health information is about has consented to the use;
- (c.1) the information is demographic information about an individual, or is his or her PHIN, and is used to
  - (i) confirm eligibility for health care or payment for health care, or
  - (ii) verify the accuracy of the demographic information or PHIN;
- (c) the trustee is a public body or a health care facility and the personal health information is used
  - (i) to deliver, monitor or evaluate a program that relates to the provision of health care or payment for health care by the trustee, or
  - (ii) for research and planning that relates to the provision of health care or payment for health care by the trustee;
- (e) the purpose is one for which the information may be disclosed to the trustee under section 22; or
- (f) use of the information is authorized by an enactment of Manitoba or Canada.

## RESTRICTIONS ON DISCLOSURE OF INFORMATION

### Individual's consent to disclosure

**22(1)** Except as permitted by subsection (2), a trustee may disclose personal health information only if

- (b) the individual the information is about has consented to the disclosure.

### Disclosure without individual's consent

**22(2)** A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is

- (a) to a person who is or will be providing or has provided health care to the individual, to the extent necessary to provide health care to the individual, unless the individual has instructed the trustee not to make the disclosure;
- (b) to any person, if the trustee reasonably believes that the disclosure is necessary to prevent or lessen
  - (i) a risk of harm to the health or safety of a minor, or
  - (ii) a risk of serious harm to the health or safety of the individual the information is about or another individual, or to public health or public safety;
- (f) in accordance with subsection 22(2.2) (disclosure to another government), section 23 (disclosure to patient's family), section 23.1 (disclosure to religious organization), section 23.2 (disclosure for fundraising), section 24 or 24.1 (disclosure for health research) or section 25 (disclosure to an information manager);
- (g) for the purpose of
  - (i) delivering, evaluating or monitoring a program of the trustee that relates to the provision of health care or payment for health care, or
- (h) to a computerized health information network established by a body specified in subsection (2.1), in which personal health information is recorded for the purpose of
  - (i) providing health care,
  - (ii) facilitating the evaluation or monitoring of a program that relates to the provision of health care or payment for health care, or
- (n) for the purpose of complying with an arrangement or agreement entered into under an enactment of Manitoba or Canada; or
- (o) authorized or required by an enactment of Manitoba or Canada.

### **Limit on disclosure**

**22(3)** A trustee may disclose information under subsection (2), (2.1) or (2.2) only to the extent the recipient needs to know the information.

## **DIVISION 4 MISCELLANEOUS REQUIREMENTS**

### **INFORMATION MANAGERS**

### **Trustee may provide information to an information manager**

**25(1)** A trustee may provide personal health information to an information manager for the purpose of processing, storing or destroying it or providing the trustee with information management or information technology services.

### **Restrictions on use**

**25(2)** An information manager may use personal health information provided to it under this section only for the purposes and activities mentioned in subsection (1), which must be purposes and activities that the trustee itself may undertake.

### **Agreement required**

**25(3)** A trustee who wishes to provide personal health information to an information manager under this section must enter into a written agreement with the information manager that provides for the protection of the personal health information against such risks as unauthorized access, use, disclosure, destruction or alteration, in accordance with the regulations.

### **Information manager must comply with Act**

**25(4)** An information manager shall comply with

- (a) the same requirements concerning the protection, retention and destruction of personal health information that the trustee is required to comply with under this Act; and
- (b) the duties imposed on the information manager under the agreement entered into under subsection (3).

### **Information deemed to be maintained by the trustee**

**25(5)** Personal health information that has been provided to an information manager under an agreement described in subsection (3) is deemed to be maintained by the trustee for the purposes of this Act.



## **Personal Health Information Regulation, M.R. 245/97**

### **Written security policy and procedures**

**2** A trustee shall establish and comply with a written policy and procedures containing the following:

- (a) provisions for the security of personal health information during its collection, use, disclosure, storage, and destruction, including measures
  - (i) to ensure the security of the personal health information when a record of the information is removed from a secure designated area, and
  - (ii) to ensure the security of personal health information in electronic form when the computer hardware or removable electronic storage media on which it has been recorded is being disposed of or used for another purpose;
- (b) provisions for the recording of security breaches;
- (c) corrective procedures to address security breaches.

### **Additional safeguards for electronic health information systems**

**4(1)** In accordance with guidelines set by the minister, a trustee shall create and maintain, or have created and maintained, a record of user activity for any electronic information system it uses to maintain personal health information.

## **Appendix D**

### **COVID-19 IMMUNIZATION CARDS AND PAN-CANADIAN PVC**

#### **PRIVACY NOTICE AND CONSENT FOR DISCLOSURE OF PERSONAL INFORMATION AND PERSONAL HEALTH INFORMATION**

In order for the Government of Manitoba (“Manitoba”) to produce and to provide you with:

- a) a Manitoba immunization card (“MB immunization card”); or
- b) a Pan-Canadian Proof of Vaccination Certificate (“Pan-Canadian PVC”); or
- c) both;

Personal information and personal health information about you will be collected and must be disclosed to third parties. Please see below for more details.

The MB immunization card does not include specific vaccination information, but provides digital proof of COVID-19 vaccination status. The Pan-Canadian PVC includes specific vaccination information, including date and type of COVID-19 vaccine(s) you received. The Pan-Canadian PVC may be accepted by jurisdictions outside of Manitoba as proof of vaccination for travel purposes.

#### **COLLECTION OF YOUR PERSONAL INFORMATION AND PERSONAL HEALTH INFORMATION**

Manitoba’s Department of Health and Seniors Care (“MHSC”) is collecting the following personal information and personal health information about you for the purposes of issuing and printing or delivering your MB immunization card and/or your Pan-Canadian PVC, as well as maintaining a digital record of your immunization status:

- your first name;
- your last name;
- your date of birth;
- your personal health identification number (“PHIN”);
- your Manitoba Health Card registration number;
- your home mailing address (which is only required when a physical MB immunization card is requested); and
- your e-mail address.

If you do not have a Manitoba Health Card, MHSC will collect the following personal information and personal health information for the purposes listed above:

- your first name;
- your last name;
- date of birth;
- your Client ID number;
- a mailing address within the Province of Manitoba where your MB immunization card can be mailed to you (which is only required when a physical MB immunization card is requested); and

- your e-mail address.

You must call 1-844-MAN-VACC (1-844-626-8222) to get your Client ID number.

MHSC is also collecting your name and e-mail address for the purpose of setting up a log-in account. Once your log-in account is set up, you will be able to request a MB immunization card or Pan-Canadian PVC.

Please ensure that your e-mail address and mailing address are entered correctly in order to reduce risk of mistaken delivery.

MHSC is authorized to collect your personal information under:

- subsection 36(1)(b) of *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175 ("FIPPA"); and
- subsection 13(1) of *The Personal Health Information Act*, C.C.S.M. c. P33.5 ("PHIA");

because collecting the information relates directly to and is necessary for MHSC to verify your identity and to issue you a MB immunization card or Pan-Canadian PVC. MHSC will only collect as much personal information and personal health information as is necessary.

## **DISCLOSURE OF YOUR PERSONAL INFORMATION AND PERSONAL HEALTH INFORMATION**

### **For MB Immunization Card**

MHSC will need to disclose the following personal information and personal health information about you to Manitoba's Department of Central Services, Business Transformation and Technology ("BTT") and Veridos Canada Limited ("Veridos") for the purposes of preparing information for your MB immunization card; printing your MB immunization card; mailing your MB immunization card to your home mailing address, or Manitoba mailing address (if you do not have a Manitoba Health Card); and maintaining a digital record of your immunization status (accessible through scanning the QR code on your MB immunization card only):

- your full name;
- your home mailing address or the Manitoba mailing address you provide; and
- the date of your most recent COVID-19 immunization.

Your home mailing address or the Manitoba mailing address you provide will be used to mail your MB immunization card to you.

Your MB immunization card will display:

- your full name;
- your Manitoba QR code ("MB QR code").

The MB QR code will allow an authorized third party to verify your immunization status by scanning the MB QR code. When you allow the authorized third party to scan the MB QR code on your MB immunization card, MHSC will disclose the following personal information and personal health information about you to the third party scanning the MB QR code on your MB immunization card:

- your full name; and
- your immunization status.

In order to request a MB immunization card, you will be required to consent to MHSC disclosing your personal information and personal health information to BTT, Veridos and third parties scanning the MB QR code on your MB immunization card, as described above. You will also be required to consent to BTT collecting your personal information and personal health information described above.

MHSC will have the authority to disclose your personal information and personal health information for the purposes indicated above under:

- section 44(1)(b) of FIPPA; and
- section 22(1)(b) of PHIA.

#### **For Pan-Canadian PVC**

MHSC will need to disclose the following personal information and personal health information about you to BTT for the purposes of preparing information for your Pan-Canadian PVC, generating your Pan-Canadian PVC, and delivering your Pan-Canadian PVC to your e-mail:

- your full name (including middle names);
- date of birth;
- date(s) of COVID-19 vaccination(s);
- number, product type and lot number of COVID-19 vaccination(s) received;
- country and province of vaccination; and
- e-mail address that you provide.

Your e-mail address will be used to send your Pan-Canadian PVC to you. Please ensure that the email address you provide is entered correctly in order to reduce risk of mistaken delivery.

Your Pan-Canadian PVC will display:

- your full name (including middle names);
- date of birth;
- date(s) of COVID-19 vaccination(s);
- number, product type and lot number of COVID-19 vaccination(s) received;
- country and province of vaccination; and
- a Pan-Canadian PVC QR code.

The Pan-Canadian PVC QR code will allow an authorized third party to verify the validity of the Pan-Canadian PVC and the vaccine information contained on the Pan-Canadian PVC.

In order to request a Pan-Canadian PVC, you will be required to consent to MHSC disclosing your personal information and personal health information to BTT as described above. You will also be required to consent to BTT collecting your personal information and personal health information described above.

MHSC will have the authority to disclose your personal information and personal health information for the purposes indicated above under:

- section 44(1)(b) of FIPPA; and
- section 22(1)(b) of PHIA.

#### **WITHDRAWAL OF YOUR CONSENT**

After you have submitted your request for a MB immunization card or Pan-Canadian PVC, you will be unable to withdraw your consent with respect to the disclosure of your personal information and personal health information to BTT and Veridos (in the case of MB immunization cards) for the purposes of issuing, printing and delivering your MB immunization card or Pan-Canadian PVC, as your request will be processed immediately.

You are strongly encouraged to protect your MB immunization card and printed copies of your Pan-Canadian PVC and keep both the MB immunization card and Pan-Canadian PVC in a secure location. If you suspect your MB immunization card or Pan-Canadian PVC has been stolen, lost or used fraudulently, or if you wish to disable or delete the digital record of your vaccine status for your MB immunization card (accessed by scanning the MB QR code on your MB immunization card), please contact:

Manitoba Health and Seniors Care

Insured Benefits Branch

300 Carlton St.

Winnipeg Manitoba R3B 3M9

Phone Number: [204-786-7101](tel:204-786-7101)

Toll Free: [1-800-392-1207](tel:1-800-392-1207)

Deaf Access Line TTY/TDD: [204-774-8618](tel:204-774-8618)

E-mail: [Insuredben@gov.mb.ca](mailto:Insuredben@gov.mb.ca)

MB Immunization cards for secure destruction can be sent to:

Manitoba Health and Seniors Care

Insured Benefits Branch

300 Carlton St.

Winnipeg Manitoba R3B 3M9

## **QUESTIONS**

Your personal information is protected under FIPPA and your personal health information is protected under PHIA. MHSC, BTT and Veridos will only collect, use and disclose as much personal information and personal health information as is necessary and cannot disclose your personal information and personal health information for other purposes, unless it is authorized to do so under FIPPA or PHIA.

For any questions regarding the collection, use or disclosure of your personal information and personal health information, please contact:

Manitoba Health and Seniors Care

Insured Benefits Branch

300 Carlton St.

Winnipeg Manitoba R3B 3M9

Phone Number: [204-786-7101](tel:204-786-7101)

Toll Free: [1-800-392-1207](tel:1-800-392-1207)

Deaf Access Line TTY/TDD: [204-774-8618](tel:204-774-8618)

## **YOUR CONSENT**

### **For MB Immunization Card**

I consent to Manitoba's Department of Health and Seniors Care disclosing my personal information and personal health information (full name, home mailing address or the Manitoba mailing address I provide, and date of most recent COVID-19 immunization) to Manitoba's Department of Central Services, Business Transformation and Technology and to Veridos Canada Limited for the purposes of preparing my MB immunization card information, printing my MB immunization card, mailing my MB immunization card to my home mailing address or the Manitoba mailing address I provide and maintaining a digital record of my immunization status.

I consent to Manitoba's Department of Central Services, Business Transformation and Technology collecting my personal information (full name, home mailing address or the Manitoba mailing address I provide and date of most recent COVID-19 immunization) from Manitoba's Department of Health and

Seniors Care for the purpose of preparing my MB immunization card, printing my MB immunization card, mailing my MB immunization card to my home mailing address or the Manitoba mailing address I provide and maintaining a digital record of my immunization status.

I understand that every time the MB QR code on my MB immunization card is scanned, Manitoba's Department of Health and Seniors Care will disclose personal information and personal health information from the digital record of my vaccine status (full name and immunization status) to the third party scanning the MB QR code. I understand that, by presenting the MB QR code on my MB immunization card to a third party to be scanned, I consent to this disclosure by Manitoba's Department of Health and Seniors Care to the third party scanning the MB QR code. I understand that every separate instance of scanning the MB QR code on my MB immunization card is considered a separate disclosure and that, for each instance where I present my MB immunization card to be scanned, I am consenting to this disclosure by Manitoba's Department of Health and Seniors Care.

#### **For Pan-Canadian PVC**

I consent to Manitoba's Department of Health and Seniors Care disclosing my personal information and personal health information (full name; date of birth; date(s) of COVID-19 vaccination(s); number, product type and lot number of COVID-19 vaccination(s) received; country and province of vaccination; and e-mail address) to Manitoba's Department of Central Services, Business Transformation and Technology for the purposes of generating and delivering my Pan-Canadian PVC to me.

I consent to Manitoba's Department of Central Services, Business Transformation and Technology collecting my personal information (full name; date of birth; date(s) of COVID-19 vaccination(s); number, product type and lot number of COVID-19 vaccination(s) received; country and province of vaccination; and e-mail address) from Manitoba's Department of Health and Seniors Care for the purposes of generating and delivering my Pan-Canadian PVC to me.

**Note:** Should you choose to present your Pan-Canadian PVC for scanning by a third party, you are subject to that third party or jurisdiction's data collection and privacy requirements. Manitoba makes no representations or warranties about those interactions or about the privacy practices or protection of information practices employed by third parties or other jurisdictions with whom you choose to share your Pan-Canadian PVC. When a jurisdiction, business, or venue scans your Pan-Canadian PVC, it can validate your vaccination status, allowing that entity to determine if you meet its entry criteria. You may voluntarily choose to disclose information or display your Pan-Canadian PVC to another party, thereby indicating that you are vaccinated against COVID-19. To confirm your COVID-19 vaccination status through a Pan-Canadian PVC, a third party uses a verifier app to scan the Pan-Canadian PVC QR Code on your Pan-Canadian PVC, which will display to the third party whether your Pan-Canadian PVC is valid, whether Manitoba is in The CommonTrust Network's Registry of trusted issuers, and your vaccination status information such as your first name, middle name, last name, date of birth, and specific vaccination dosage information including type of COVID-19 vaccine, dates of administration, vaccine lot numbers, province of vaccination and country of vaccination.



# The Manitoba Immunization Card Program and the Pan-Canadian Proof of Vaccination Certificate Program

The **Manitoba Immunization Card Program** and **Pan-Canadian Proof of Vaccination Certificate (“PVC”) Program** are voluntary programs that can help demonstrate vaccination status related to COVID-19. The **Manitoba Immunization Card Application** (the “**Card App**”) generates the Manitoba Immunization Card that can be utilized with or without the **Manitoba Immunization Verifier Application** (the “**Verifier App**”). The Card App may also store and display the Pan-Canadian PVC that can be utilized with or without the Verifier App. The Pan-Canadian PVC can also be utilized with or without the SMART Health Card Verifier App developed by The Commons Project or other third party verifier applications (the “**Third Party Verifier Apps**”). The sole purpose of the Manitoba Immunization Card Program, the Pan-Canadian PVC Program, and the Card and Verifier Apps are to assist the Province of Manitoba and other jurisdictions in responding to the COVID-19 pandemic. The information collected and used with the Manitoba Immunization Card Program and Pan-Canadian PVC Program will not be used by the Government of Manitoba for any other purpose.

**IN ORDER TO USE THE CARD APP OR THE VERIFIER APP, YOU MUST FIRST AGREE TO THE ATTACHED TERMS OF USE. IF YOU DO NOT AGREE WITH THE ATTACHED TERMS OF USE, THEN DO NOT USE THE CARD APP OR THE VERIFIER APP.**



# The Card App

## *The Manitoba Immunization Card Program*

The Card App allows individuals who meet the eligibility requirements to request a physical and / or digital Manitoba Immunization Card. Each Manitoba Immunization Card created using the Card App contains the individual's first name and last name, and a Government of Manitoba-issued Quick Response Code ("**Manitoba QR Code**") that, when scanned with the Manitoba Immunization Verifier App, displays the COVID-19 immunization status of the individual.

To request a digital or physical Manitoba Immunization Card, individuals must provide the following personal information and personal health information to Manitoba Health and Seniors Care ("MHSC") for the purpose of validating identity and immunization status and issuing and printing a Manitoba Immunization Card:

- first name;
- last name;
- date of birth;
- Personal Health Identification Number (PHIN);
- Manitoba Health Card registration number;
- Email address; and
- home mailing address (which is only required when a physical Manitoba Immunization Card is requested).

Where individuals do not have a Manitoba Health Card, MHSC will collect the following personal information and personal health information for the purposes listed above:

- first name;
- last name;
- date of birth;
- Client ID number;
- Email address; and
- a mailing address within the Province of Manitoba where a Manitoba Immunization Card can be mailed (which is only required when a physical Manitoba Immunization Card is requested).

Individuals must call 1-844-MAN-VACC (1-844-626-8222) to get their Client ID.

Mailing addresses will be used to mail Manitoba Immunization Cards to the owner of the cards.

MHSC is authorized to collect personal information and personal health information under:

- subsection 36(1)(b) of *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175 ("FIPPA"); and

- subsection 13(1) of *The Personal Health Information Act*, C.C.S.M. c. P33.5 (“PHIA”);

because collecting the information relates directly to and is necessary for MHSC to verify identity and to issue a Manitoba Immunization Card. MHSC will only collect as much personal information and personal health information as is necessary.

When requesting a Manitoba Immunization Card, individuals are required to consent to MHSC disclosing their personal information and personal health information to Business Transformation and Technology (BTT), the organization manufacturing the physical Manitoba Immunization Card, and third parties scanning the Manitoba QR Code on their Manitoba Immunization Card. MHSC will need to disclose the following personal information and personal health information about individuals who request a Manitoba Immunization Card to BTT and the Manitoba Immunization Card manufacturer for the purposes of preparing, printing, and mailing Manitoba Immunization Cards and maintaining a digital record of vaccination status (immunization certificate IDs):

- full name;
- home mailing address or temporary Manitoba mailing address; and
- the date of most recent COVID-19 vaccination.

MHSC has the authority to disclose an individual’s personal information and personal health information for the purposes indicated above under:

- section 44(1)(b) of FIPPA; and
- section 22(1)(b) of PHIA.

For those who meet the eligibility requirements, the Card App will allow individuals to request a physical or digital (or both) Manitoba Immunization Card that contains information about COVID-19 vaccination status. The Manitoba Immunization Card can then be stored in the Card App, or alternatively printed or stored digitally without using the Card App.

When an organization scans a Manitoba Immunization Card with the accompanying Verifier App, it will be able to verify the COVID-19 vaccination status of the owner of the card.

#### *The Pan-Canadian PVC Program*

The Card App allows individuals who meet the eligibility requirements to request, load, store and display a digital Pan-Canadian PVC, which may be accepted by jurisdictions outside of Manitoba or for travel

outside of Manitoba as proof of COVID-19 vaccination. Each Pan-Canadian PVC stored in the Card App contains the individual's first name, middle name and last name, date of birth, specific vaccination dosage information including types of COVID-19 vaccine, dates of administration, vaccine lot numbers, province of vaccination and country/countries of vaccination, and a Pan-Canadian PVC Program-issued Quick Response Code ("**Pan-Canadian PVC QR Code**") that, when scanned with the Verifier App or a Third Party Verifier App, displays the COVID-19 immunization status information that is stored within the Pan-Canadian PVC QR Code as listed above.

To obtain a Pan-Canadian PVC, please click the following link: [Province of Manitoba | For Residents](#).

To request a Pan-Canadian PVC, individuals must provide the following personal information and personal health information to MHSC for the purpose of validating identity and immunization status, and generating and delivering the Pan-Canadian PVC:

- first name;
- last name;
- date of birth;
- Personal Health Identification Number (PHIN);
- Manitoba Health Card registration number; and
- Email address.

Where individuals do not have a Manitoba Health Card, MHSC will collect the following personal information and personal health information for the purposes listed above:

- first name;
- last name;
- date of birth;
- Client ID number; and
- Email address.

Individuals must call 1-844-MAN-VACC (1-844-626-8222) to get their Client ID.

The email address you provide will be used to deliver the Pan-Canadian PVC to the owner of the card.

Please ensure that email addresses are correct.

MHSC is authorized to collect personal information and personal health information under:

- subsection 36(1)(b) of *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175 (“FIPPA”); and
- subsection 13(1) of *The Personal Health Information Act*, C.C.S.M. c. P33.5 (“PHIA”);

because collecting the information relates directly to and is necessary for MHSC to verify identity and to issue a Pan-Canadian PVC. MHSC will only collect as much personal information and personal health information as is necessary.

When requesting a Pan-Canadian PVC, individuals are required to consent to MHSC disclosing their personal information and personal health information to BTT for the purposes of preparing, generating and mailing Pan-Canadian PVCs:

- full name (including middle names);
- date of birth;
- date(s) of COVID-19 vaccination(s);
- dose number, product types and lot number of COVID-19 vaccination(s) received;
- country/countries of vaccination; and
- Email address.

MHSC has the authority to disclose an individual’s personal information and personal health information for the purposes indicated above under:

- section 44(1)(b) of FIPPA; and
- section 22(1)(b) of PHIA.

For those who meet the eligibility requirements, the Card App will allow individuals to request a Pan-Canadian PVC. The Pan-Canadian PVC can then be stored in the Card App, or alternatively printed or stored digitally without using the Card App.

When an organization scans a Pan-Canadian PVC with the Verifier App or a Third Party Verifier App, it will be able to verify the COVID-19 vaccination status of the owner of the card.

# The Verifier App

The Manitoba Immunization Verifier App allows participating businesses, organizations and venues (“**verifiers**”) to verify the COVID-19 immunization status of individuals who present the Government of Manitoba-issued Quick Response Code (“**Manitoba QR Code**”) on their physical or digital Manitoba Immunization Card and the Pan-Canadian PVC Program-issued Quick Response Code (“**Pan-Canadian PVC QR Code**”).

This Verifier App is used solely for scanning and verifying the Manitoba QR Code on a physical or digital Manitoba Immunization Card or the Pan-Canadian PVC QR Code on the Pan-Canadian PVC. The Manitoba QR Code and Pan-Canadian PVC QR Code adopts digital signature technology to ensure that data contained in the QR Code cannot be tampered with.

In order to use the Verifier App, verifiers must register with Government of Manitoba’s Department of Central Services, Business Transformation and Technology (“**BTT**”) by providing a valid email address. Email addresses provided by verifiers will be protected in accordance with *The Freedom of Information and Protection of Privacy Act* (C.C.S.M. c. F.175).

When verifiers use the Verifier App to scan a Manitoba QR Code on a physical or digital Manitoba Immunization Card, the individual’s certificate ID will be retrieved from the Manitoba QR Code. The following personal health information will be provided to verifiers about the owner of the Manitoba Immunization Card:

- the name of the owner of the Manitoba Immunization Card; and
- the owner’s COVID-19 immunization status (which will appear as either a red or green marker).

If an individual meets the eligibility criteria for a Manitoba Immunization Card, Cardholder Information will be indicated as green. If an individual does not meet the eligibility criteria, then his, her or their Cardholder Information will appear as red. No other personal information or personal health information will be provided to verifiers when a Manitoba Immunization Card is scanned.

When verifiers use the Verifier App to scan a Pan-Canadian PVC QR Code on a Pan-Canadian PVC, the following information related to the individual’s COVID-19 vaccine status:

- the name of the owner of the Pan-Canadian PVC;
- the owner’s date of birth;
- date(s) of the owner’s COVID-19 vaccination(s);
- dose number, product types and lot number of COVID-19 vaccination(s) the owner received; and
- country/countries and province of the owner’s COVID-19 vaccination.

The information displayed when the Verifier App is used to scan a Manitoba Immunization Card or Pan-Canadian PVC is called “**Cardholder Information.**”

# The Apps and Permissions

The use of the Manitoba Immunization Card Program, the Pan-Canadian PVC Program, the Card App and the Verifier App is completely voluntary and the Apps can be downloaded for free on applicable devices. In order to use the Card App and the Verifier App, individuals must first agree to the Terms of Use attached hereto.

The Card App and the Verifier App **do not** use location services on the verifier's device.

**The Verifier App uses Wi-Fi or cellular services to retrieve and display immunization certificate IDs once Manitoba QR Codes and Pan-Canadian PVC QR Codes are scanned by the verifier.**

**The Verifier App uses the verifier's camera to scan Manitoba QR Codes and Pan-Canadian PVC QR Codes to verify Manitoba Immunization Cards and Pan-Canadian PVCs.**

## How Data is Used

The Card App is used for cardholders to request, generate, store, and display upon request digital Manitoba Immunization Cards issued by the Government of Manitoba on their personal mobile devices.

When requesting a Manitoba Immunization Card, individuals provide personal information and personal health information about themselves, which allow MHSC and BTT to verify the requestor's identity, access the requestor's COVID-19 immunization certificate IDs and generate a digital and physical Manitoba Immunization Card. Once the Manitoba Immunization card is created, the Cardholder may store it electronically on their personal devices.

The Manitoba Immunization Card contains the individual's first name and last name, and a Manitoba QR Code that when scanned with the Verifier App displays the COVID-19 immunization status of the individual.

The Card App may also be used for cardholders to request, load, store and display upon request digital Pan-Canadian PVCs issued by the Pan-Canadian PVC Program on their personal mobile devices. The Pan-Canadian PVC contains the individual's first name, middle name(s) and last name, date of birth, specific vaccination dosage information including types of COVID-19 vaccine, dates of administration, vaccine lot

numbers, province of vaccination and country/countries of vaccination, and a Pan-Canadian PVC Program-issued Quick Response Code (“**Pan-Canadian PVC QR Code**”) that, when scanned with the Verifier App or a Third Party Verifier App, displays the COVID-19 immunization status of the individual.

When individuals present their Manitoba Immunization Card or Pan-Canadian PVC to be scanned by a party using the Verifier App, that interaction is governed by this policy. However, should individuals choose to present their Pan-Canadian PVC for scanning by a Third Party Verifier App, or in a jurisdiction outside of Manitoba, they are subject to that third party or jurisdiction’s data collection and privacy requirements. Manitoba makes no representations or warranties about those interactions or about the privacy practices or protection of information practices employed by third parties or other jurisdictions with whom an individual may choose to share their Pan-Canadian PVC. When a jurisdiction, business, or venue scans a Pan-Canadian PVC using the Verifier App or a Third Party Verifier App, it can validate the cardholder’s vaccination status, allowing that entity to determine if the cardholder meet its entry criteria. An individual may voluntarily choose to disclose information or display their Pan-Canadian PVC to another party, thereby indicating that they are vaccinated against COVID-19. To confirm COVID-19 vaccination status through a Pan-Canadian PVC, a third party using the Verifier App or a Third Party Verifier App scans the Pan-Canadian PVC QR Code on a Pan-Canadian PVC, which will display to the third party whether the Pan-Canadian PVC is valid, whether Manitoba is in The CommonTrust Network’s Registry of trusted issuers, and provides the cardholder’s vaccination status information such as first name, middle name(s), last name, date of birth, and specific vaccination dosage information including types of COVID-19 vaccine, dates of administration, vaccine lot numbers, province of vaccination and country/countries of vaccination.

BTT will receive notice each time a user accesses the Verifier App for the purpose of scanning a Manitoba QR Code on a physical or digital Manitoba Immunization Card. These logs will be audited by BTT to ensure consistency with the attached Terms of Use.

Anonymous and non-identifying usage data and metrics related to both the Card App and the Verifier App’s adoption and usage (“**Data**”) are collected and shared by BTT with MHSC, including the number of App downloads and deletions. Neither BTT nor MHSC can identify any specific user or device that has downloaded or deleted either App. The Apps are downloadable from the applicable App Store and may be linked to an individual’s mobile account.



## Information Security

Data and personal information and personal health information collected by MHSC and BTT are maintained in a secure manner and will not be used or disclosed for any other purpose other than administering the Manitoba Immunization Card Program and the Pan-Canadian PVC Program, or as authorized by FIPPA or PHIA. The data and personal information and personal health information collected by BTT and MHSC will not be used for sales or marketing purposes. The Verifier App and the Card App comply with the Government of Manitoba's IT Security Policies and Procedures.

## Changes to the Manitoba Immunization Card Program and the Pan-Canadian PVC Program

The Government of Manitoba may update the Manitoba Immunization Card Program and Pan-Canadian PVC Program from time to time, or issue supplementary conditions to the Terms of Use, to reflect changes to our data governance practices. A description of the revised Programs or supplementary conditions will be posted here with an updated revision date. We encourage users and verifiers to check back periodically for any changes, updates or supplementary conditions.

## Resources

For more information, visit: <https://manitoba.ca/covid19/vaccine/immunization-record.html>.

For further questions regarding the Manitoba Immunization Card Program and the Pan-Canadian PVC Program, or the collection of personal information and personal health information for the purposes of those Programs, please contact [immunizationcardsupport@gov.mb.ca](mailto:immunizationcardsupport@gov.mb.ca).

# Terms of Use

## The Manitoba Immunization Card Program and the Pan-Canadian Proof of Vaccination Certificate Program

PLEASE READ THESE TERMS AND CONDITIONS OF USE CAREFULLY BEFORE USING THESE APPLICATIONS. IF YOU DO NOT AGREE TO THESE TERMS OF USE, THEN YOU MUST IMMEDIATELY UNINSTALL THE APPS AND MAKE NO USE OF SAME.

In these Terms of Use, “**you**” or “**user**” refers to any person or entity using the Manitoba Immunization Card Application (“**Card App**”), or the Manitoba Immunization Verifier Application (“**Verifier App**”). The Card App and the Verifier App are collectively referred to herein as the “**Apps**”.

## Introduction

The Government of Manitoba (“**Manitoba**”) is pleased to offer these Apps in order to allow individuals to demonstrate vaccination status related to COVID-19, and for organizations, businesses and venues to validate the COVID-19 vaccination status of their guests, visitors and patrons through the Manitoba Immunization Card Program and the Pan-Canadian Proof of Vaccination Certificate (“**PVC**”) Program. By accessing the Apps, you agree to be bound by these Terms of Use, including the disclaimers and limitations of liability provisions set out below.

## Privacy and Confidentiality

In order to use the Verifier App, you must provide a valid email address to the Government of Manitoba’s Department of Central Services, Business Transformation and Technology (“**BTT**”). BTT will verify your email address before you are able to use the App.

In order to use the Card App, you must provide the following personal information and personal health information to Manitoba Health and Seniors Care (“MHSC”) for the purpose of requesting a Manitoba Immunization Card or Pan-Canadian PVC and verifying your identity and COVID-19 immunization status:

- first name;
- last name;
- Personal Health Identification Number (PHIN);
- Manitoba Health Card registration number;
- Client ID in lieu of a PHIN and Manitoba Health Card registration number;
- Email address; and
- home mailing address, or a mailing address within the Province of Manitoba where a Manitoba Immunization Card can be mailed (which is only required when a physical Manitoba Immunization Card is requested).

BTT and MHSC are authorized to collect your email address under clause 36(1)(b) of *The Freedom of Information and Protection of Privacy Act*, CCSM c F175 and clause 13(1) of *The Personal Health Information Act*, CCSM c. F33.5, as it relates to and is necessary for BTT and MHSC to administer the Manitoba Immunization Card Program and to authorize you to scan Government of Manitoba-issued Quick Response Codes (“**Manitoba QR Codes**”) on physical and digital Manitoba Immunization Cards. If you have any questions about the collection of your information, please contact: [immunizationcardsupport@gov.mb.ca](mailto:immunizationcardsupport@gov.mb.ca).

If you provide information that is untrue, inaccurate, not current or complete, or we suspect that you have provided such information falsely, BTT may suspend or terminate your use of the Apps and refuse any and all current or future use of the Apps, or part of it.

When a verifier uses the Verifier App to scan Manitoba QR Codes on a physical or digital Manitoba Immunization Card, or Pan-Canadian PVC QR Code on the Pan-Canadian PVC, the verifier will be provided with personal health information about the owner of the card, including his, her or their name and COVID-19 immunization status (“**Cardholder Information**”). A verifier must only use the Verifier App to scan QR Codes when a physical or digital Manitoba Immunization Card or Pan-Canadian PVC is presented to you by its owner, and in accordance with any applicable legislation, including the *Personal Information and*

*Protection of Electronic Documents Act* (S.C. 2000 c. 5), *The Freedom of Information and Protection of Privacy Act* (C.C.S.M. c. 175), and *The Personal Health Information Act* (C.C.S.M. c. P33.5).

The Card App may also be used for cardholders to request, load, store and display upon request digital Pan-Canadian PVCs issued by the Pan-Canadian PVC Program on their personal mobile devices. The Card App will store and display the Pan-Canadian PVC cardholder's first name, middle name(s), last name, date of birth, and specific vaccination dosage information including types of COVID-19 vaccine, dates of administration, vaccine lot numbers, province of vaccination and country/countries of vaccination and a Pan-Canadian PVC Program-issued Quick Response Code ("**Pan-Canadian PVC QR Code**").

Where a third party uses the Verifier App, the SMART Health Card Verifier App developed by The Commons Project or other third party verifier applications to scan a Pan-Canadian PVC QR Code, the third party will be shown whether the Pan-Canadian PVC is valid, whether Manitoba is in The CommonTrust Network's Registry of trusted issuers, and your vaccination status information including your first name, middle name(s), last name, date of birth, and specific vaccination dosage information including types of COVID-19 vaccine, dates of administration, vaccine lot numbers, province of vaccination and country/countries of vaccination.

The Apps may be used only for the limited purposes described in these Terms of Use. You must adhere to these Terms of Use at all times when using the Apps. You must not make or attempt to make any other use thereof. You warrant and undertake that in your use of the Apps you shall:

- not abuse in any way these Apps and you will not (and will not attempt to) modify these Apps, or disrupt or interfere with the availability or operation of the Apps;
- not violate any applicable legislation;
- use the Apps only for lawful purposes and in accordance with any applicable legislation; and
- not engage in any conduct which may cause distress to any person.

You must advise BTT, without delay, of any circumstances, incidents or events which may impact or are related to the privacy, availability or security of the Apps, including without limitation, the violation or non-observance of any conditions of these Terms of Use.

You are responsible for ensuring that no one else uses your email address to access or use the Apps and that you do not share your Manitoba Immunization Card or Pan-Canadian PVC with any other person in an attempt to deceive a verifier trying to confirm an individual's immunization status.

Verifiers must keep all Cardholder Information, (including the name of the owner of the Manitoba Immunization Card and their COVID-19 immunization status), that is accessed while using the Verifier App strictly confidential, and in compliance with these Terms of Use and any applicable laws, including legislation pertaining to the protection of Cardholder Information, such as *The Personal Health Information Act* (C.C.S.M. c. P 33.5), *The Freedom of Information and Protection of Privacy Act* (C.C.S.M. c. 175), and the *Personal Information and Protection of Electronic Documents Act* (S.C. 2000 c. 5).

Verifiers must not use or disclose any Cardholder Information accessed while using the Verifier App. When verifiers access Cardholder Information by using the App, verifiers must ensure that no other person can view or access the Cardholder Information on a verifier's device.

Verifiers must not store or retain any Cardholder Information accessed while using the Verifier App, including by downloading, saving, photographing, recording, or by any other electronic media method. Verifiers must not make a record of any Cardholder Information accessed while using the Verifier App.

## Disclaimer and Limitations of Liability

Manitoba works hard to ensure that the information presented on these Apps is as accurate as possible and reflects available medical and scientific information. However, Manitoba does not guarantee or warrant the quality, accuracy, completeness, timeliness, appropriateness or suitability of the information provided. Information appearing on these Apps is at the user and verifier's own risk.

Your use of these Apps, your account and the information and services available on or through these Apps may be interrupted and may not be free from errors. The Apps, your account, or the information and services available on or through the Apps may be unavailable from time-to-time due to routine maintenance, upgrades, hardware or software malfunctions, repairs, power outages, hackers, denials of service attacks, unforeseeably large service demands, or other reasons beyond Manitoba's control.

THE APPS AND THE INFORMATION AVAILABLE ON OR THROUGH THE APPS ARE PROVIDED 'AS IS' AND 'AS-AVAILABLE'. MANITOBA EXPRESSLY DISCLAIMS ALL WARRANTIES, REPRESENTATIONS AND CONDITIONS

REGARDING THE USE OF THE APPS OR THE INFORMATION AND SERVICES AVAILABLE ON OR THROUGH THE APPS.

MANITOBA DOES NOT REPRESENT OR WARRANT THAT: (A) THESE APPS OR THE INFORMATION AND SERVICES AVAILABLE ON OR THROUGH THE APPS ARE ACCURATE, COMPLETE, RELIABLE, CURRENT OR ERROR-FREE; (B) THE APPS AND THEIR AVAILABILITY WILL BE SECURE, UNINTERRUPTED OR ERROR-FREE; (C) THE APPS WILL MEET YOUR REQUIREMENTS OR EXPECTATIONS; OR (D) THAT THE APPS ARE FREE OF VIRUSES OR OTHER HARMFUL COMPONENTS.

By using these Apps, you agree that to the maximum extent permitted by applicable law, that Manitoba and its Ministers, officers, employees, contractors, agents and representatives ("**Manitoba Releasees**") shall have no liability whether direct, indirect, consequential, contingent, special or incidental related to or arising out of or in connection with the use of the Apps, the inability to use the Apps, the content on the Apps or the reliance of any users on the information or services available through the Apps, whether such liability arises out of an action for breach of contract, negligence or other tortious action, or other theory of liability, and even if Manitoba has been advised of the possibility of such liability.

You agree that none of the Manitoba Releasees shall be liable for any losses, damages or claims suffered or incurred by you as a result of use of the Apps and the information they contain.

IF, DESPITE THE LIMITATIONS SET OUT ABOVE, MANITOBA BECOMES LIABLE TO YOU IN RESPECT OF THE APPS, YOUR ACCOUNT, OR THE INFORMATION OR SERVICES AVAILABLE THROUGH THE APPS, THAT LIABILITY WILL BE LIMITED TO TWENTY-FIVE (\$25.00) CANADIAN DOLLARS.

## Indemnity

YOU UNDERSTAND AND AGREE THAT ALL USE OF THE INFORMATION AND SERVICES AVAILABLE ON THESE APPS IS AT YOUR OWN RISK, AND BY USING SUCH INFORMATION AND SERVICES YOU AGREE TO INDEMNIFY AND SAVE HARMLESS THE MANITOBA RELEASEES, OR ANY ONE OR MORE OF THEM, FROM ANY AND ALL LIABILITY, LOSS, INJURY, DAMAGES, COSTS AND EXPENSES (INCLUDING LEGAL FEES AND EXPENSES) THAT ANY ONE OR MORE OF THEM MAY SUFFER OR INCUR ARISING FROM OR RELATED TO SUCH USE OF THE INFORMATION AND SERVICES ON THE

APPS, ANY CONTENT THAT MAY BE POSTED ON THE APPS, OR ANY INFORMATION OR SERVICES THAT MAY BE AVAILABLE FROM OTHER WEBSITES THAT ARE LINKED TO THESE APPS.

## Right to Remove

Manitoba reserves the right, to be exercised in its sole discretion, to remove your access to the Apps, or any content from the Apps, for any reason and at any time, but has no obligation to do so. Manitoba will have no liability for any decision to remove, or not remove, access to or content from these Apps.

Manitoba may terminate your access to the Apps under these Terms of Use, with or without notice, and may discontinue providing these Apps, without any liability to you or any third parties. In the event that you breach these Terms of Use, or where otherwise appropriate, Manitoba may delete your account and all related information and files, including barring any further access to such files or the Apps.

If your account or access to the Apps is terminated for any reason, you must immediately uninstall and cease using the Apps and any associated software. Termination does not affect Manitoba's accrued rights or liabilities.

## Proprietary Rights

You acknowledge and agree that the Apps and any necessary software used in connection with the Apps, including but not limited to the software, contain proprietary and confidential information that has been protected by intellectual property and other laws. You further agree that the content contained in the information presented to you via the Apps or via third parties is protected by copyright, trademarks, service marks, patents and other proprietary rights and laws.

Except as expressly authorized by Manitoba, you agree not to modify, rent, lease, loan, sell, distribute or create derivative works based on the Apps or the software, or the information contained in the Apps, in whole or in part.

You agree not to access the Apps by any means other than through the website and interfaces that are provided by Manitoba for use in accessing the Apps.

## Trademarks

Any names, words, titles, phrases, logos, designs, graphics or icons appearing on the Apps may be registered or unregistered trademarks, official marks, service marks or trade names and may be the property of Manitoba or third parties.

Nothing contained herein implies that a license has been granted to you in respect of any trademarks, official marks, service marks or trade names displayed on the Apps, unless prior written permission of Manitoba or the owner of any third-party trademarks is obtained.

## Applicable Law

The laws in effect in the Province of Manitoba shall govern these Terms of Use and any dispute or claim based on or arising from your use of the Apps. You agree that any action or proceeding relating to this agreement or your use of the Apps shall only be brought in the courts of the Province of Manitoba and will be resolved individually, without resort to any class action. This website is intended for use by residents of Manitoba, Canada, only.

## Entire Agreement

If any part of these Terms of Use is found to be void or unenforceable, it will not affect the validity of the balance of the remaining Terms of Use, which remain valid and enforceable. These Terms of Use set forth the entire understanding and agreement between us and you with respect to your use of the Apps.

**Questions, concerns or complaints about the Manitoba Immunization Card Program, the Pan-Canadian PVC Program or these Terms of Use should be submitted to [immunizationcardsupport@gov.mb.ca](mailto:immunizationcardsupport@gov.mb.ca).**

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