

MANITOBA OMBUDSNEWS

Newsletter 9
Winter 2009

Ombudsman, Access and Privacy Newsletter



EARLY CONSIDERATIONS REGARDING PUBLIC AREA SURVEILLANCE

Our office is often asked by public sector bodies to comment on the installation of surveillance cameras – in vehicles, buildings and the street – and their impact on personal privacy. Typically, however before we are approached, the decision to install cameras has already been made.

This is particularly privacy-intrusive technology that collects and stores the images of individuals who are simply going about their business. Although the collection of personal information may be in accordance with FIPPA, the first question to ask is whether the collection of

personal information by video surveillance is needed.

Before deciding to use video surveillance cameras, public sector bodies should be asking:

- Is there an identifiable problem to address – with actual evidence of danger or risk?
- If so, have other less privacy-invasive measures already been tried without effect?
- Has there been public consultation to hear and consider the views of the community affected by the introduction of video surveillance?



Privacy has been recognized as a fundamental human right by the Supreme Court of Canada. Where video surveillance narrows this right, it should only be used if the collection of personal information is demonstrably justifiable.

BRANDON OFFICE– WE’VE MOVED!

Manitoba Ombudsman, Irene Hamilton, and our Brandon colleagues, hosted the official opening of our newly relocated Brandon office on February 5. A number of Winnipeg staff also came out to help welcome visitors and guests to our new location.

Representatives from the City of

Brandon, Brandon Police Service, Brandon Correctional Centre, Brandon Friendship Centre, Legal Aid Manitoba, Family Services & Housing, and Justice – Courts Division and our former colleague, Janet Wood, dropped in for cake and conversation. We were also pleased to see Mr. Drew Caldwell – MLA Brandon East and Mr. Rick Borotsik – MLA Brandon West.

Thank you to all who took time to attend, including CKX – TV and the Brandon Sun who covered this event. A special thank you goes to Sharon Krakowka for handling the opening arrangements, including food and refreshments.

Our Brandon office is now located in Scotia Towers, Room 202 - 1011 Rosser Avenue.



Our Brandon staff: LT to RT: Mel Holley, Maureen Schirmer, Sharon Krakowka and Ombudsman, Irene Hamilton

In This Issue	
Early Considerations Regarding Public Area Surveillance	1
Brandon Office– We’ve Moved!	1
Municipal Fairness Project	2
Learning Institute for Teachers (LIFT) Brandon	2
Child Death Review	3
Community Outreach	3
Outreach to Altona, Portage La Prairie, Steinbach, and Winkler	3
Up Coming Events	4



MUNICIPAL FAIRNESS PROJECT

As part of our ongoing outreach and education activities, we have recently completed a fairness training tool specifically designed for Manitoba municipalities.

Municipalities today are operating in an era of accountability. Governing is becoming increasingly complex, and government is subject to ever increasing scrutiny. Citizens have the right to expect that their governments – federal, provincial and municipal – will act in a fair, open and transparent manner.

Every time a municipal Council makes a decision, some person or group of people is affected by that decision and may challenge it.

The Office of the Ombudsman investigates complaints from members of the public who believe they have not been treated fairly by government, including municipal government. When we investigate complaints, it is our job to assess the fairness of government's actions and decisions. We felt it was important, therefore, to explain our understanding of fairness and our investigative process, so that everyone could operate from a common understanding when complaints are made.

Municipal councillors act primarily in a law-making or policy-making capacity. However because they wear many different 'hats' when performing the duties that fall within Council's jurisdiction, some of the actions they take and decisions they make are subject to the requirements of administrative fairness. It is important for municipal councillors to understand which of their actions and decisions have fairness requirements attached, what those requirements are, and how they can best meet them while ensuring that municipal business proceeds in the normal course.

LEARNING INSTITUTE FOR TEACHERS (LIFT) BRANDON

Staff from our Brandon and Winnipeg offices were pleased to participate as exhibitors at the **Learning Institute for Teachers (LIFT)** conference held at the Brandon Keystone Centre on November 28, 2008. Our display was visited by a cross section of teachers who had questions about our role and function. We also invited grades 6, 9 and 11 social studies teachers to arrange a visit to their classrooms to present *Joining the Herd* –



After consultation with Manitoba Intergovernmental Affairs and the Association of Manitoba Municipalities, we produced *Understanding Fairness*, a guide designed specifically for municipal decision makers.

Understanding Fairness, produced with the support and cooperation of Manitoba Intergovernmental Affairs, the Association of Manitoba Municipalities, and the Manitoba Municipal Administrators Association, is intended to assist municipal councillors and administrators to achieve fairness in the important and challenging work they do, and to provide municipal

leaders with tools to help promote fairness and make it their standard of practice.

The tools in *Understanding Fairness* include:

- a fairness framework that recognizes three aspects of fairness: **procedural, substantive, and relational**;
- standard definitions of some commonly used fairness terms;
- a guide to meeting the requirements of fairness in municipal decision making;
- helpful hints for conducting fair public hearings and meetings;
- tips for analyzing decision-making processes;
- fairness "checklists" for councillors and municipalities;
- case examples of action and decisions that are considered unfair;
- a decision-making checklist; and
- information on how we investigate and analyze complaints about municipalities from members of the public.

Understanding Fairness can be viewed on our web site at www.ombudsman.mb.ca.

Participating in Manitoba's Government. Thank you to the Brandon Teachers' Association for the opportunity to attend this event.

The Ombudsman is a part of the democratic process in Manitoba. To arrange for an interactive session with your class by representatives of Manitoba Ombudsman, please contact: **Corinne Caron @ 204-982-9137 or 1-800-665-0531** (toll free in Manitoba).





CHILD DEATH REVIEWS

Our 2006 review of the Manitoba child welfare system recommended specific changes for reviewing and reporting on the death of a child who was in the care of or had received services from the child and welfare system, or whose parent or guardian had received services, within one year before the death.

Those recommendations included transferring responsibility for the reviews from the Office of the Chief Medical Examiner to the Office of the Children's Advocate; expanding the scope of the reviews to include collateral government agencies that may have been



involved with the child or family, and having my office follow up on and report publicly on the implementation of the recommendations made by the Children's Advocate.

Our recommendations were accepted by government and implemented in 2008 through amendments to *The Child and Family Services Act*. Under the new system, recommendations made by the Children's Advocate will be forwarded to the child welfare system and also to our office. Our office now has the statutory responsibility to follow up on the implementation of those recommendations and to report publicly on my findings.

With this new process the outcomes will be transparent and public accountability will be strengthened.

COMMUNITY OUTREACH



Ombudsman staff, Nelson Mayer and Devi Goberdhan presented at Children of the Earth High School February 19

Manitoba Ombudsman staff attended a career and resource fair at Children of the Earth High School on February 19. The fair was open to students, their families and community members. We shared information about the Ombudsman's role in the democratic process, the free services we provide and answered many questions from people attending this event.

The fair was a great way to meet with students and teachers, creating links between our office and the community. We hope to return to Children of the Earth High School to present 'Joining the Herd', a presentation focused on grades 6, 9 and 11 social studies students.

OUTREACH TO ALTONA, PORTAGE LA PRAIRIE, STEINBACH, WINKLER

On October 14, 15 and 16, 2008, the Manitoba Ombudsman and staff travelled to the communities of Altona, Steinbach, Portage la Prairie and Winkler. We made various presentations to or visited the following:

- Altona: W.C. Miller Collegiate
- Steinbach: S.Eastman English & Literacy Services/Steinbach and District Settlement Program
- Portage la Prairie: Manitoba Regional Health Authority
Municipal officials from in and around Altona, Portage la Prairie, Steinbach and Winkler
- Winkler: Eden Mental Health Centre; Boundary Trails Health Centre;
S.Central Settlement & Employment Services; Winkler Elementary School

These meetings, with the students and public sector bodies we serve, were offered to increase awareness of our mandate in both the Ombudsman Division and Access and Privacy Division. Presentation topics included:

- participatory democracy
- services provided by Manitoba Ombudsman
- fairness and accountability in government
- administrative improvements we have recommended
- privacy considerations for faxing and emailing personal health information
- protecting personal health information when outside the office
- key steps in responding to a privacy breach.

We enjoy meeting Manitobans in their communities. Thanks to the people of central and south central Manitoba for your hospitality!



Winkler Elementary : From LT to RT: Cindy Hamilton- teacher, Al Loepky- Principal and Irene Hamilton, Ombudsman



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UP COMING EVENTS

- March 18-** Brown Bag Talk, " Exercising Discretion when Refusing Access", 750 –500 Portage Ave. Winnipeg, call 204-982-9139 for details or to register.
for Access and Privacy Officers and Coordinators
- March 18-** Workshop, for representatives from Manitoba's health regulatory bodies. "PHIA Basics and Beyond," , at the College of Registered Nurses, Winnipeg. Registration required, call (204) 788-6612. 9 AM to Noon
- April 8-** A workshop for the City of Winnipeg – "Working with the Ombudsman" – what to expect when the Ombudsman calls – is being offered at the City's Corporate Ed facility 4th floor Dynasty Bldg., 180 King Street. 9 AM to Noon
- April 19-** Winnipeg Law Courts Building, 408 York Avenue – **Know your right to know**; Manitoba Right to Know Committee discussions and information at the Law Day 2009 Open House, about obtaining access to information held by public sector bodies, for the public. Manitoba Ombudsman is a Right to Know Committee participant. Noon - 4:00 p.m.
- April 19 -** **Law Day 2009 Open House** Winnipeg Law Courts Building, 408 York Avenue; Ombudsman staff will be on hand to answer questions from the public on the Ombudsman's mandate and services, including access and privacy concerns. Noon to 4 PM
- April 20 -** The Manitoba Council of Administrative Tribunals Inc. (MCAT) is planning its 4th Annual Conference. This one day event will take place at the Caboto Centre, 1055 Wilkes Avenue, Winnipeg.
- April 29 -** A workshop for the City of Winnipeg – "FIPPA & PHIA Work with the Ombudsman" will be held at the City's Corporate Ed facility 4th floor Dynasty Bldg., 180 King Street. 9 AM to Noon

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Manitoba Ombudsman: Ombudsman and Access and Privacy Divisions