

MANITOBA OMBUDSNEWS

Ombudsman, Access and Privacy Newsletter



Law Day 2008 Hosts Right to Know

As part of the democratic process, Manitoba Ombudsman has been pleased to participate for over 20 years at the annual Law Day Open House, co-hosted by the Canadian and Manitoba Bar Associations in celebration of the Canadian Charter of Rights and Freedoms. Staff from our office meet Manitobans at our exhibitor table where we distribute information and informally discuss our role and function.

On April 13th, when the Law Day Open House was again held at the Winnipeg Law Courts, our office participated in its long established role and also participated in the first ever Right to Know courtroom exhibition with presentations. This was an awareness event to inform the public on the individual's right to access to information held by public sector bodies, such as municipal and provincial

government, hospitals and school divisions.

Manitoba Ombudsman participated with our partners from the Manitoba Right to Know Committee, the:

- Canadian Association of Consumers (Manitoba)
- Canadian Association of Journalists (Manitoba)
- Canadian Taxpayers Federation (Manitoba)
- Manitoba Association of Rights and Liberties
- Manitoba Bar Association
- Manitoba Culture, Heritage, Tourism and Sport
- Manitoba Health
- Provincial Council of Women of Manitoba

Close to 100 individuals attended the Right To Know exhibition. Our office also spoke with over 200 visitors to our exhibition table.

Report on Licencing and Enforcement Practices of Manitoba Water Stewardship



On April 30th, Ombudsman Irene Hamilton released a report particularly relevant to rural Manitobans. It contains the background, findings, conclusions and recommendations on a comprehensive investigation by the office into Manitoba Water Stewardship's issuance and enforcement of drainage licences.

The department has accepted all fifteen recommendations made by the Ombudsman. The full report, including an executive summary, is available on our office web site, www.ombudsman.mb.ca under "What's New" and also under "Reports and Publications".

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Assistance for Safer Faxing and Emailing Practices

Under *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA), public sector bodies and trustees are required to make reasonable security arrangements and implement safeguards to ensure confidentiality and protect the personal and personal health information.

To assist in carrying out this requirement, Manitoba's Access and Privacy Division has issued two new practice notes, *Privacy Considerations for Faxing Personal and Personal Health Information* and *Privacy Considerations for Emailing Personal and Personal Health Information*.

A simple mistake in an everyday action like faxing or emailing can result in an unintended sharing of information and have significant effects for the person the information is about and the public sector body or trustee organization that committed the error.

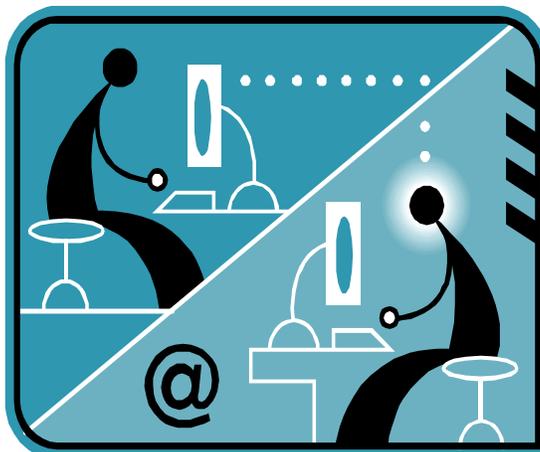
Personal or personal health information can be faxed to the wrong number or be retrieved and read by persons for whom the communication was not intended. Email can be misdirected or copied to others who have no reason to know the information.

As a result, the person the information is about may be exposed to damage to reputation, loss of business or employment opportunities, physical harm, fraud, and identity theft. The organization responsible for the privacy breach may experience loss of public trust and damage to reputation and incur financial and other resource costs in dealing with the breach, including notifying affected parties.

The two practice notes outline the potential risks associated with faxing and emailing. As well, they list specific tips as considerations. For example, is there an immediate time requirement that necessitates that the personal or personal health information be faxed or emailed? Can personal identifiers be removed?

Public sector bodies and trustees should have a workplace policy on emailing and faxing personal and personal health information. The policy should include the type of information that can be faxed or emailed and set out steps to mitigate the risk of sending personal and personal health information to an unintended recipient. It is important that all employees are trained and made aware of these policies.

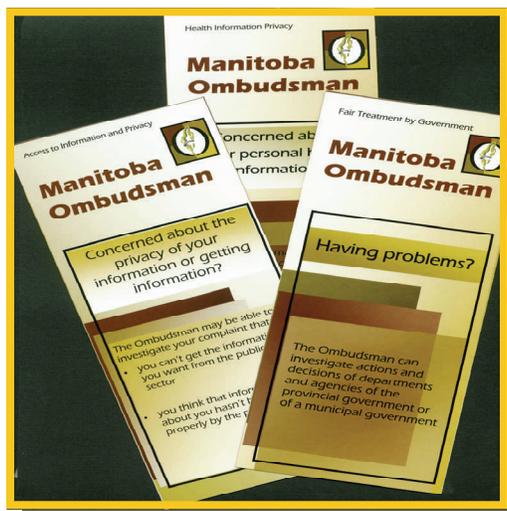
The practice notes are available on our web site, www.ombudsman.mb.ca, under "Resources".



Extra! Extra! Read All About Us!

The Manitoba Ombudsman is pleased to announce that a new line of brochures are now available about the office.

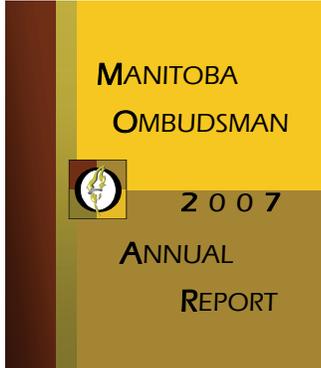
The brochures explain the complaints that can be received by our office under *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*. Contact our office if your organization is



interested in receiving copies of these brochures for display. The brochures are also available at www.ombudsman.mb.ca, under "Reports and Publications".



The Ombudsman Shall... "Report Annually", "Make an Annual Report"



The wording is slightly different under *The Ombudsman Act*, FIPPA, PHIA and, most recently, *The Public Disclosure (Whistleblower Protection) Act*. Essentially, though, the Ombudsman must report annually to the Legislative

Assembly about the activities of the office under these pieces of legislation. With the exception of *The Ombudsman Act*, the statutes require that specific information must be reported by the Ombudsman. Our Annual Reports discuss the direction of the office, highlight particular cases and activities and include comprehensive statistics for the calendar year.

The Ombudsman expects to submit her Annual Report for 2007 soon to the speaker. As with last year's Annual Report, the Ombudsman's reporting on our work under the various Acts will be compiled in a single

document. For the first time, the Ombudsman will be reporting on her work under whistleblower protection legislation, which became law last April.

The 2007 Annual Report will be available in English and French on our web site, at www.ombudsman.mb.ca and on CD ROM format, available by phoning 982-9130 or 1-800-665-0531 (toll free). The CD ROM will contain additional office publications, including office brochures, youth rights pamphlets, access and privacy practice notes and back issues of OmbudsNews.

Problem Solving

The Manitoba Ombudsman receives inquiries and complaints about public sector bodies and often provides information to individuals about how to address matters informally. Many problems can be resolved in this way. Some concerns may even be prevented if the individual takes steps that help avoid misunderstanding.

Taking the time to ask questions and using active listening are key approaches that assist in problem solving. The following list sets out techniques to consider before seeking help from a third party such as the Ombudsman.

Be Prepared, Ask Questions, Keep Records, Be Respectful, Focus

- Know what questions you are going to ask
- Write down the responses you receive and the date of the conversation, with the names of the people you are speaking with
- Keep copies of letters you receive and send
- Know the details of your case
- Set out the specific details about your concerns

- Explain clearly what you are asking for and communicate respectfully
- Ask how and why the decision was made
- Ask for an explanation or a copy of the rules, policies or laws that governed the decision
- Raise your concern to the attention of a supervisor if necessary
- Read information that is sent to you and consider the contents
- Be aware of appeal options and timelines
- Be strategic and focused about your complaint issues

Direct communication with the public sector body is an effective step in problem solving. If a problem cannot be resolved after informal methods have been exhausted, the Manitoba Ombudsman can be contacted for additional information.



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UPCOMING EVENTS

- **June 18, 2008** – Brown Bag Talk, “Distinguishing Between Personal Information and Business Information under FIPPA”, for Access and Privacy Officers and Coordinators
 - **July 16, 2008** – Brown Bag Talk, “Documenting Access Decisions”, for Access and Privacy Officers and Coordinators

Call (204)-982-9139 for details or to register for both of the above events (between June 16 and July 8, call 982-9144).

- **September 14 -16, 2008** – Conference, Winnipeg, “ The Specialist Ombudsman: Working Behind Prison Walls – 2008”; an event by the Forum of Canadian Ombudsman. For Ombudsman and their staff and individuals who work in the field of Corrections. For more information and registration materials by mid-July, http://www.ombudsmanforum.ca/menu_e.asp
- **October 22, 2008** – Conference, Winnipeg, “Prairie Health Information Privacy Day 2008”; co-hosted by the Information and Privacy Commissioner Offices of Alberta and Saskatchewan and Manitoba Ombudsman. For individuals from these provinces working in organizations affected by health information privacy law. For more in information and registration materials, <http://www.verney.ca/hipd2008/>

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Manitoba Ombudsman: Ombudsman and Access and Privacy Divisions