

MANITOBA OMBUDSNEWS

Ombudsman, Access and Privacy Newsletter



WHISTLEBLOWER PROTECTION ACT CREATES NEW PROCESSES, NEW RESPONSIBILITIES

The *Public Interest Disclosure (Whistleblower Protection) Act* was proclaimed as law in Manitoba on April 2, 2007. The Act provides a process for disclosing significant and serious wrongdoing in the public service and provides reprisal protection. This law builds on existing Manitoba statutes, provincial practices and processes and is not intended to deal with routine operational or human resource matters.

The Act sets out new responsibilities for the Manitoba Ombudsman. Employees may request advice on making a disclosure about a wrongdoing from a designated officer or the Ombudsman.

The Ombudsman is also responsible for investigating complaints or, where appropriate, referring matters to the Auditor General. The Ombudsman is required to report annually to the Legislative Assembly on the number and nature of disclosures received.

The law applies to all provincial departments and agencies, Legislative Assembly offices and other government bodies included by regulation. Each entity is required to appoint a senior official as a designated officer to deal with disclosures of wrongdoing and is required to have procedures in place to receive and manage disclosures.

What is a "wrongdoing"?

- an act or omission that is an offence under a federal or provincial act or regulation;
- an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or the environment;
- gross mismanagement including gross mismanagement of public funds or assets; and
- knowingly directing or counseling a person to commit a wrongdoing.

Who can a disclosure of wrongdoing be made to?

- the employee's supervisor;
- the designated officer for the entity; or the Manitoba Ombudsman.



The Act is available online at:

<http://web2.gov.mb.ca/laws/statutes/2006/c03506e.php>

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WELCOMING NATIONAL AND INTERNATIONAL OMBUDSMEN TO WINNIPEG



Picture by L. Foster

Irene Hamilton was pleased to host her national colleagues at the annual meeting of parliamentary ombudsmen held in Winnipeg, May 9-11, 2007.

These officials are independent officers of the legislative assembly in their province or territory. All but one recently appointed ombudsman were able to attend to discuss issues of mutual concern. Another participant was William

Angrick, Iowa Ombudsman and Chair of the Ombudsman International Organization.

Only Prince Edward Island, Northwest Territories and Nunavut do not have an ombudsman. In Yukon, New Brunswick and Manitoba the ombudsman is also the information and privacy commissioner.

Did you Know...

Of 15 Ombudsmen and Commissioners across Canada dealing with access and privacy, 10 have the power to make recommendations, including the Manitoba Ombudsman.

ASSISTANCE ON REPORTING A PRIVACY BREACH

Our office has developed two practice notes on dealing with privacy breaches to assist public sector bodies and trustees under *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA).

Privacy breaches occur when personal or personal health information is collected, used, disclosed or destroyed contrary to FIPPA or PHIA. Some examples of breaches are when a file or laptop containing personal or personal health information is stolen or when information is mistakenly faxed or emailed to the wrong person.

Our practice note, *Key Steps in Responding to Privacy Breaches*, outlines four measures to take or

consider in the event of a breach: containment of the breach, evaluation of the risks associated with the breach, notification of affected individuals and prevention.

Our *Privacy Breach Reporting Form* enables public sector bodies and trustees to complete an analysis of the breach using the four key steps. This form is contained in our Practice Note, *Reporting a Privacy Breach to Manitoba Ombudsman*.

Public sector bodies and trustees may report a breach to our office, although this is not required under the Acts. We can assist them in developing a procedure for responding to the privacy breach and ensuring steps are taken to

prevent breaches from occurring in the future.

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





MANITOBA OMBUDSMAN MAKES THE GRADE

Since our last newsletter when we reported on our new publication, *Joining the Herd: A Handbook on Participating in Manitoba's Government* for use with the Grades 6, 9 and 11 Social Studies curriculum, there have been further developments:

- Manitoba Ombudsman has been included in the new Grade 9 curriculum;
- Manitoba Education, Citizenship and Youth has distributed to all Manitoba schools with Grades 6, 9 and 11, four youth pamphlets published in

April and co-produced by our office, the Office of the Children's Advocate and Manitoba Human Rights Commission;

- *Joining the Herd* can now be ordered from the Manitoba Text Book Bureau (disk or hard copy format), citing stock order 80564; at 1-866-447-6822 or www.mtbb.mb.ca; and
- *Joining the Herd* is now reproduced on our web site (answer keys are excluded), www.ombudsman.mb.ca.

Thanks to Manitoba Education, Citizenship and Youth!

A SUCCESSFUL CONFERENCE ON TRIBUNALS AND QUASI-JUDICIAL BODIES

On April 23 and 24 2007, several of our staff attended the second annual conference organized by the Manitoba Council of Administrative Tribunals, in Winnipeg. The primary objective of the Council is to examine the operations of administrative tribunals in the province and to explore practices that may be helpful in day-to-day responsibilities.

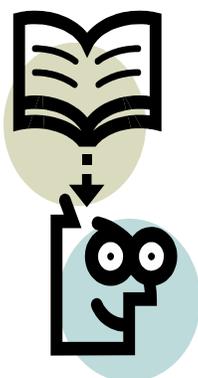
The conference was well attended with approximately 200 delegates and practitioners from

38 agencies, mostly tribunals and quasi-judicial bodies. The conference was useful to our staff in our role as an independent and impartial reviewer of the processes of administrative tribunals

Panel discussions and presentations were on a variety of issues ranging from conflict of interest to procedural fairness. Topics included tribunal independence, handling perceptions of bias, receiving and assessing evidence during administrative hearings

and managing media issues.

The sessions provided important information and insights on subjects encountered in our everyday work. They underscored the public's right to fair treatment by government agencies.



RIGHT TO KNOW WEEK TO BE CELEBRATED IN MANITOBA

Right to Know Day is celebrated every September 28th around the world. On that day in 2002, privacy advocates meeting at an international conference in Sofia, Bulgaria proposed the date be dedicated to the promotion of access to information worldwide.

Right to Know Day highlights the right of individual access to information held by public sector bodies and the benefits of transparent, accessible government.

For a second year in Canada, information and privacy ombudsman and commissioner offices are coordinating efforts to mark "Right to Know Week." Celebrations will take place from Friday, September 28 to Friday, October 5, 2007.

The Manitoba committee on Right to Know is already at work. There are plans for a panel discussion on October 2nd from noon to 1:00 p.m. at Portage Place, Edmonton Court. Articles and links on Right to Know will appear on our web site, www.ombudsman.mb.ca as the event approaches. Stay tuned.

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UPCOMING EVENTS

- July 18, 2007— Brown Bag Talk, “Handling Requests for Corrections under FIPPA and PHIA”, for Access and Privacy Officers and Coordinators.
- Aug. 15, 2007— Brown Bag Talk, “Distinguishing between Access Requests and Authorized Disclosures”, for Access and Privacy Officers and Coordinators.
- Oct. 2, 2007— Right To Know Panel, Noon - 1:00 p.m., Portage Place, Edmonton Court, Winnipeg



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