2024-25
ANNUAL REPORT

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

Dear Mr. Speaker:

In accordance with section 42 of the Ombudsman Act, subsection 58(1) of The Freedom of Information and Protection of Privacy Act, subsection 37(1) of The Personal Health Information Act and subsection 29.2(1) of The Public Interest Disclosure (Whistleblower Protection) Act, I am pleased to submit the annual report of Manitoba Ombudsman for the 12 months of April 1, 2024 to March 31, 2025.

Yours truly,

Jill Perron

Manitoba Ombudsman

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If you have comments or questions about the 2024-25 Annual Report, please send them to ombudsman@ombudsman.mb.ca.

Available in alternate formats upon request.

OMBUDSMAN'S MESSAGE

OMBUDSMAN
JILL PERRON

I am honoured to serve as the Ombudsman and pleased to present my office's 2024-25 Annual Report.

Our annual report is an opportunity to inform the public about our services and to communicate with legislature about our operations and progress in fulfilling our broad responsibilities under The Ombudsman Act, The Freedom of Information and Protection of Privacy Act (FIPPA), The Personal Health Information Act (PHIA) and The Public Interest Disclosure (Whistleblower Protection) Act (PIDA).

This report showcases the range and value of our work done through resolutions, investigations, outreach, education and collaborations.

In 2024-25, our office managed about 3,900 inquiries and complaints and opened 207 investigations under FIPPA, PHIA, The Ombudsman Act and PIDA. A substantial number of the concerns raised were resolved quickly by providing information, facilitating communication with public bodies and helping guide people to processes and services they needed. Other complaints were addressed through more involved resolutions or investigations that determine the fairness of a public bodies actions and decisions, its compliance with legal or policy requirements and whether individual rights were respected in the process. The investigation summaries in this report are examples of our findings and recommendations that uphold a right, promote fairness and improve the administration of public programs and services. In all our work, we promote principles of fairness and fair information practices in public services that benefit Manitobans.

While our case volume was relatively consistent with the prior year, there are specific areas where we are receiving more complaints or that required more of our time and attention.

GROWING NUMBER OF PRIVACY BREACHES

A total of 106 privacy breaches were reported to our office during the reporting period, marking a steady incline in reported breaches since mandatory reporting came into effect in 2022. Human error in misdirected communications and lack of physical safeguards continue to be a cause of privacy breaches, emphasizing the need for consistent reinforcement of privacy practices and a culture of privacy protection in public bodies.

Our office highlighted the need for strengthened privacy policy training and enforcement in our systemic investigation published this year on a Southern Health - Santé Sud health facility. Our office made six recommendations to the facility and health region. This systemic investigation was initiated after complaint investigations about a facility privacy officer accessing information in an unauthorized manner, who was eventually charged under PHIA. You can read a summary of this investigation later in the report.

The adoption of new technologies should include consideration for privacy impacts and safeguards.

Proactive and reinforced privacy training and safeguards are critical as more public bodies use information managers and digital platforms to store personal and personal health information. A cybersecurity incident involving software used by multiple Manitoba school divisions led to the reporting of 24 privacy breaches by those public bodies.

UPHOLDING AN INDIVIDUAL'S RIGHT TO KNOW

We have seen an increase in the number of access to information complaints about public body delays in responding to requests for information. We found that some public bodies did not comply with FIPPA's prescribed time limits for response or were not consistently meeting their duty to assist obligations. We have been routinely reinforcing the message that the duty to assist needs to be fulfilled.

It's important for citizens to maintain their right to access information from government and other public bodies. These bodies provide services and make decisions that impact the lives of Manitobans. Access to information enables citizens to understand and scrutinize the decisions, processes and priorities of government.

We highlight several refused access and no response cases later in this report.

HIGH NUMBER OF INQUEST RECOMMENDATIONS

Another notable area of demand on the office this year is the number of inquests with recommendations issued. Twelve new inquest reports regarding the deaths of 17 individuals were released by The Provincial Court of Manitoba in 2024-25 resulting in 37 new recommendations, almost doubling the number of recommendations monitored by our office. In this year, we reported on the Winnipeg Police Service and Manitoba Justice's work to improve and implement new training and policies designed to increase the safety of individuals who use methamphetamine or who are at risk of suicide. Inquest recommendation monitoring is managed and prioritized alongside case volumes within the four mandates.

STRENGTHENING CAPACITY TO MANAGE INTERNAL DISCLOSURES UNDER PIDA

Case activity under our PIDA mandate increased more than 30 per cent this year. The act requires public bodies to have clear processes for managing disclosures made to supervisors or designated officers and to annually communicate information about the organization's PIDA processes to its employees. Our office responded to an increased number of requests for consultation about public body obligations under the act, including their management of investigations. Additionally, we initiated procedure reviews for post-secondary institutions and the municipalities who opted into PIDA during the year.

We have a small, dedicated team of investigators supporting work under our PIDA mandate. Wherever possible, we support building capacity of designated officers within organizations and public bodies so they can effectively respond to manage internal disclosures received by their employees. We also initiated more investigations than the prior year and had more inquiries, marking a notable overall increase in work happening in our PIDA mandate.

ADMINISTRATIVE FAIRNESS COMPLAINTS

Our office focused heavily on opportunities to resolve these complaints as early as possible which resulted in a higher number of resolutions and lower number of full investigations. While we receive a number of complaints relating to provincial departments and programs, we were

often able to resolve them. You can find case summaries reflecting types of resolutions we worked on later in this report. Our office delivered presentations to municipal administrators this year and also attended tradeshow events for municipal administrators. We also developed new guidance for public bodies to assist them in handling complaints about their service from the public and in fairly applying service limitations when dealing with unreasonable conduct.

COMMITMENT TO RECONCILIATION

We continued in our work to implement calls to actions made by the Truth and Reconciliation Commission (TRC) and the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). This year we completed multi-session training on the United Nations Declaration on the Rights of Indigenous People (UNDRIP) to help staff better understand how and when UNDRIP can be considered in our work. We also shared an UNDRIP learning opportunity with parliamentary ombudsman offices across Canada. Our office also participated in renewed calls for the federal government to action Call 1.7 of the MMIWG Inquiry to establish a National Indigenous and Human Rights Ombudsperson. We continued with outreach efforts with Indigenous communities, organizations and leadership.

SERVICE PLAN & WORKFORCE

We achieved significant milestones in our organizational service plan enabling us to modernize our operations, build capacity and strengthen how we deliver services under all mandates. An evaluation of the northern pilot project demonstrated the value of a physical office to provide individuals living in the north with responsive and accessible Ombudsman services. Our relocation to a new, centrally located and fully accessible office in Winnipeg enhances our ability to provide in-person services through dedicated space to support collaboration, external training and the confidential nature of our work. Through organizational redesign, we added new capacity in legal and information security to help fulfill our responsibility to comment on privacy of new technologies and to support complex investigations. We also released our office's first service charter to codify our commitment to service, accountability and transparency in the delivery of the Ombudsman's services. Our service charter states our commitment to the people we provide service to, provides a pathway for feedback about our service and lets the public know what we need to assist in providing good service. Our charter is one way that we foster continuous improvement, transparency and accountability in delivery of Ombudsman services.

What you see in this report is a condensed view of the broad scope of work our office undertakes every day. We have an incredibly knowledgeable team who work diligently to provide services, promote the principles of fairness, transparency and accountability and ensure rights are upheld, decisions are compliant with the law, and outcomes are just and fair. I am grateful for their ongoing support and daily commitment to upholding the values of our office. Without them, this work would not be possible. I look forward to building on our successes as I continue to fulfill my oversight responsibilities in promoting administrative fairness, transparency, privacy protection and good governance for an ethical and accountable public service in Manitoba.

MISSION

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

VALUES

INTEGRITY

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

RESPECT

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

INDEPENDENCE

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

EXCELLENCE

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

ABOUT MANITOBA OMBUDSMAN

The Ombudsman is a non-partisan and independent officer of the Legislative Assembly of Manitoba whose role is promote transparency, fairness, accountability, and respect for rights in the administration and delivery of public programs and services.

The Ombudsman is not part of any government department or agency. The office of the Ombudsman was created in 1970 to receive and investigate complaints about administrative actions and decisions of provincial government departments and agencies. Since then, the Ombudsman's mandate has expanded to include access to information, privacy protection, reprisal protections for whistleblowers and disclosure of serious wrongdoings in public services. Today, the Ombudsman provides oversight over thousands of provincial, municipal and local public bodies and approximately 20,000 health trustees in the public and private sector.

The Ombudsman's role and authority is set out in The Ombudsman Act and incorporates the hallmarks of parliamentary Ombudsmen:

- independence of the office
- broad powers of investigation
- informal procedures for conducting investigations
- non-adversarial approaches to the resolution of problems
- the power to make recommendations
- the power to report publicly

THE WORK

The Ombudsman's office receives and investigates complaints and disclosures concerning decisions and actions of public sector organizations under its four mandates. We work to resolve issues, investigate complaints, and make evidence-based recommendations where necessary to promote good public administration.

Ombudsman investigations typically arise in two ways – from individual complaints about specific matters or on the Ombudsman's own initiative. Ombudsman-initiated investigations enable the Ombudsman to bring attention to significant and systemic issues that may not otherwise come forward.

The office also undertakes activities that carry out the Ombudsman's broader mandated responsibilities, including:

- conducting compliance audits and reviews
- receiving and reviewing reported privacy breaches of significant harm or risk
- commenting on the implications of proposed legislation affecting access to information, privacy and whistleblower rights
- commenting on the fairness and privacy implications of public body initiatives, programs and technologies
- commenting on the administration of access to information, privacy protection and public interest disclosure acts
- providing whistleblower-related advice and procedure reviews
- providing consultation and education to public bodies
- educating the public

The office also monitors and reports on the implementation of recommendations made in an Ombudsman's investigation and on the implementation of recommendations made in an inquest report under The Fatality Inquiries Act.

MANDATES

Manitoba Ombudsman's four mandates outline a range of responsibilities and authority given to the Ombudsman, and allow the office to receive complaints and investigate on:

Matters of administration and fairness of public body decisions or actions under The Ombudsman Act

People can complain if they feel they were treated unfairly through the decisions and actions of a public body when the public body acted differently than what law or policy requires or their rights were not respected. The complaint can be about how the person was affected by the administrative processes or operations of these public bodies:

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

Access to information and correction/ protection of personal information under The Freedom of Information and Protection of Privacy Act (FIPPA)

People can complain about a public body's handling of a request and its decision about right of access to information, as well as the correction and right to privacy of personal information collected, used, disclosed and stored by a public body. The complaint can be made about:

- provincial government departments and agencies (including crown corporations, boards and commissions)
- the office of the executive council
- local government bodies (such as municipalities, local government districts, planning districts, and conservation districts)
- local public bodies including educational bodies (such as school divisions, universities, and colleges)
- health-care bodies (such as hospitals and health authorities)
- and any other body designated in the act's regulations

Access to and correction/protection of personal health information under The Personal Health Information Act (PHIA)

People can complain about how their personal health information was collected, used, or disclosed or about their request to access their personal health information or have it corrected. The complaint can be made about trustees who hold and are required to protect personal health information including:

- all public bodies that fall under FIPPA
- health professionals licensed or registered to provide health care (such as doctors, nurses, physiotherapists, psychologists, etc.)

- health-care facilities (such as hospitals, personal care homes, psychiatric facilities, medical clinics, laboratories, community health centres, or other health care facilities designated in the regulations)
- public and private health services providers, including agencies providing health care under an agreement with another trustee

Disclosures of serious and significant matters of wrongdoing in or relating to public services and complaints of reprisal under The Public Interest Disclosure (Whistleblower Protection) Act (PIDA).

Disclosures can be made to the Ombudsman about:

- provincial government departments
- crown corporations
- provincially appointed boards and commissions
- child and family services authorities and agencies
- health authorities
- hospitals
- personal care homes
- colleges and universities
- school divisions and districts
- specific municipalities
- independent offices of the Legislative Assembly of Manitoba
- some organizations that receive at least 50 per cent of operating funds from government

Monitoring Provincial Court of Manitoba Inquest Recommendations

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

THE COMPLAINT PROCESS

Making a complaint to the Ombudsman can:

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

We'll review whether your complaint falls within our authority or jurisdiction. If it doesn't, we may direct you to the appropriate agency or resource.

We may ask questions, collect information, suggest processes available to you and start working to resolve your concern. Some complaints can be resolved quickly, while others may take longer.

If an investigation is required, we'll work with both the public body and the person making the complaint.

The investigation will gather information and evidence and assess whether action is needed to fix the issue or to improve how the public body operates.

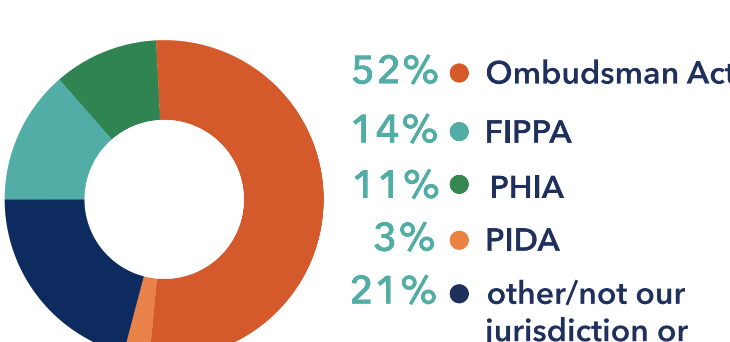
When an investigation report is complete, details of the report are shared with the public body under investigation and the complainant. If a report includes recommendations for a public body or trustee, we monitor implementation and follow up to ensure improvements are implemented.

2024-25 AT A GLANCE

3,723
new cases

176
general inquiries

NEW CASES BY ACT*



*more than one act may apply to a single case

11 Ombudsman Act
163 FIPPA
28 PHIA
5 PIDA

101
reported privacy breaches & reviews initiated

79
consultations provided to public bodies on request

235
investigations carried over from 2023-24

172
investigations closed

3,241
cases closed or resolved early

recommendations made

10
inquest report recommendations reported on

57
education and outreach events

COLLABORATION, EDUCATION AND OUTREACH

NATIONAL AND INTERNATIONAL COLLABORATION

Manitoba Ombudsman connects and collaborates with other ombudsman, information and privacy commissioner, and public interest disclosure commissioner offices across Canada.

This year the Ombudsman and office staff connected with colleague offices to receive and deliver education and training through webinars and conferences and participated in annual meetings, working groups and information exchanges.

This collaboration offers a chance to share information and discuss current and timely issues as well as create opportunities for uniformity in standards being developed and delivered across Canada.

Annual meetings attended by Manitoba Ombudsman included the Canadian Council of Parliamentary Ombudsman (CCPO) from June 10 to 12 in Quebec City, the public interest commissioners from September 17 to 19 in Newfoundland and the information and privacy commissioners from October 8 to 10 in Ontario. Additionally, we presented to more than 130 people from ombudsman offices across Canada about our office's efforts and journey with truth and reconciliation.

Affiliations:

- Canadian Council for Parliamentary Ombudsman
- Forum of Canadian Ombudsman
- International Ombudsman Institute
- Federal, Provincial and Territorial Privacy Commissioners and Ombudspersons with Responsibility for Information and Privacy Oversight
- Global Privacy Assembly
- International Ombuds Association

Representatives and commissioners from public interest commissioner offices in Canada at the annual meeting held in Ontario during October 2024.

JOINT RESOLUTIONS

Manitoba joined other federal, provincial and territorial information and privacy commissioners to issue resolutions in 2024. These resolutions aim to bring attention to current and developing access and privacy issues that impact citizens.

RESPONSIBLE INFORMATION-SHARING IN SITUATIONS INVOLVING INTIMATE PARTNER VIOLENCE

This resolution calls for governments and organizations, and their staff, to take the necessary steps to understand and assess the conditions under which they may disclose personal information to reduce or eliminate intimate partner violence (IPV) harm. It's important to clarify that Manitoba's privacy laws allow for the sharing of personal information in specific circumstances to prevent situations of risk to life, health or safety.

Employees and service providers need to know how to assess and apply these exceptions to be confidently responsive in relevant situations. Manitoba Ombudsman provided information to several departments and organizations about the resolution and our availability to consult on permissible disclosures under Manitoba's privacy laws. Visit our website to read the resolution.

TRANSPARENCY BY DEFAULT

This resolution calls for governments and authorities to prioritize transparency in the design and implementation of new systems, administrative processes, procedures and governance models. This resolution reflects the need for a new standard in government operations and a collective commitment to fostering a culture of transparency and accountability across all levels of government in Canada. The resolution included eight principles emphasizing the importance of embedding and integrating transparency as part of day-to-day operations. The principles also outlined the need to ensure information is easily accessible, proactively shared and that confidentiality clauses should not be used when not required by legislation. Visit our website to read the resolution.

IDENTIFYING AND MITIGATING HARMS FROM PRIVACY-RELATED DECEPTIVE DESIGN PATTERNS

This resolution calls for action on the growing use of deceptive design patterns that undermine privacy rights. Deceptive design patterns, often referred to as dark patterns, manipulate or coerce users - particularly children - into making decisions that may not be in their best interests. This joint resolution calls on organizations in the public and private sectors to prioritize users' privacy and support their informed and autonomous choices by avoiding deceptive design practices. The resolution outlines key measures for organizations to adopt privacy-first design practices and can be found on the website for the Office of the Privacy Commissioner of Canada at priv.gc.ca.

TRAINING, EVENTS, & EDUCATION

Our office works to educate Manitobans and public bodies on legislated rights and responsibilities related to our four mandates. From training to community event booths, we engage with employees and citizens in a variety of settings to help raise awareness about the role of the Ombudsman.

Throughout the year we met with different public bodies and health information trustees to provide education on access and privacy and administrative fairness topics and the overall role of the office.

GOVERNMENT

Our office presented to new members of the legislative assembly and visited the constituency offices of Brandon East, Brandon West and Spruce Woods MLAs to provide information about the role of our office to help them work with citizens who have concerns about the delivery, actions and decisions of public services. We also presented to all managers within Manitoba Finance on the oversight role of the office under our mandates and what to expect when we receive a complaint.

We continued delivering training to correctional officers as part of broader standardized training provided to officers. We delivered training on seven occasions to more than 100 new corrections officers training to work in Headingly, Womens, The Pas, Milner Ridge and Brandon Correctional Centres as well as the Winnipeg Remand Centre and Manitoba Youth Centre.

MUNICIPAL

We presented to more than 200 Manitoba Municipal Administrators at their annual fall convention on "Evolving from a solid foundation: Building and maintaining good public administration." We also participated in the fall and spring tradeshows for the Association of Manitoba Municipalities. Members of our team

Ombudsman Jill Perron presentations to the Manitoba Municipal Administrators fall convention in 2024.

delivered a webinar to Municipal Services and municipal administrators on what to expect from the Ombudsman when we contact them about a complaint.

OTHER TRAINING & PRESENTATIONS

Our PIDA investigation team, in partnership with the Public Service Commission, provided training to PIDA designated officers from government departments to enhance internal capacity in assessing and managing disclosures of wrongdoing received from employees. Our new guidance on assessing disclosures and gross mismanagement can be found on our website under our public body resources.

We also presented to members of the Canadian Health Information Management Association on privacy protection under PHIA.

CITIZENS & COMMUNITIES

We met with community members across Manitoba at a variety of events to talk about our role and services. We presented to Westman Immigrant Services clients on a monthly basis, reaching people new to the Brandon region and Canada to help them understand the role of our office and when they can make a complaint.

Additionally, we met with staff from Immigrant and

Refugee Center of Manitoba to learn about current issues being faced by newcomers when accessing Manitoba public services. These meetings and connections in communities can bring a concern to light and helps reinforce knowledge of our office that organization staff can relay to their clients.

We had booths at various community events in Brandon including events hosted by the Brandon Neighbourhood Renewal Corporation, Brandon University Student Co-op and Brandon University Students' Union. We presented to a Brandon University Alternate Dispute Resolution class and attended the Manitoba Social Sciences Teachers Association annual learning day. We also met with individuals from the Manitoba Law Library about the Legal Information for Incarcerated Manitoba project.

RECONCILIATION & INDIGENOUS COMMUNITY OUTREACH

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

Ways we implement this work include educating and training our staff, listening to and working with Indigenous communities, leaders and organizations and applying new understandings and knowledge to change and adapt how the office operates.

Throughout the year we met with different communities and organizations to learn about their services, concerns from their community members or clients, and to help build awareness of our role in Manitoba.

We met with Pinaymootang chief and council, the Brandon Urban Aboriginal People's Council and staff from Jordan's Principal offices in Brandon, Birdtail Sioux and Canupawakpa and the Cree Nation Tribal Health Centre. We also met with staff from Manitoba Keewatinowi Okimakanak and had booths at the Vision Quest Conference and Trade Show and Sioux Valley Dakota Nation High School Career Fair.

UNDERSTANDING UNDRIP

As part of the office's commitment to advancing reconciliation, employees in the office received multiple training sessions on the United Nations Declaration on the Rights of Indigenous People (UNDRIP) to understand how and when UNDRIP can be applied or considered in the work of the office. The sessions were delivered by Brenda Gunn, professor with the Faculty of Law at the University of Manitoba and Academic and Research Director at the National Centre for Truth and Reconciliation.

TURTLE ISLAND PROJECT & KAIROS BLANKET EXERCISE

Staff from our Winnipeg, Brandon and Thompson offices participated in a learning exercise which provides a physical teaching component, educating people on 150 years of history and the impacts on Indigenous people in Canada.

CONTINUING EDUCATION

A new cohort of Manitoba Ombudsman staff began the University of Alberta Indigenous Canada program to continue our commitment to Call 57 of the TRC Calls to Action. All staff participate in these activities under our Truth and Reconciliation learning and action plan which is developed and supported by our Truth and Reconciliation Committee and our Indigenous advisor and community connector.

57

We participated in 57 outreach and education events during the year.

29 presentations

11 events

17 meetings

Manitoba Ombudsman team members at the Vision Quest Conference & Trade Show in 2024.

PRINT AND WEB PROMOTION

Our promotional and educational material was distributed at training and outreach events and distributed to facilities and organizations across Manitoba. We reestablished our social media presence and used awareness days to help Manitobans understand the role of the Ombudsman. We also began developing a new website and suites of updated print materials.

WEBSITE

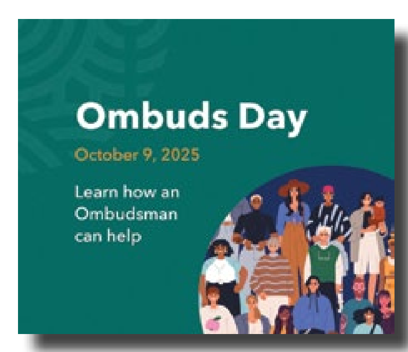
8 reports made public and published to the website

31,675 visitors

91,465 pageviews

45 Manitoba cities & towns

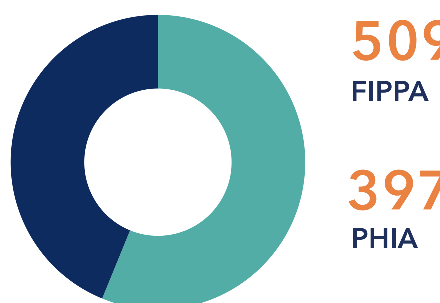
110 countries



Manitoba Ombudsman staff attended a variety of events. Clockwise from top left: Brandon University Student Union's Community Day in September 2024, the Northern Association of Community Council's August 2024 Annual Meeting, the Association of Manitoba Municipalities November 2024 fall convention, and the Brandon Neighbour Renewal Corporation's Get Your Benefits Resource Fair in February 2025.

INFORMATION ACCESS AND PRIVACY

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



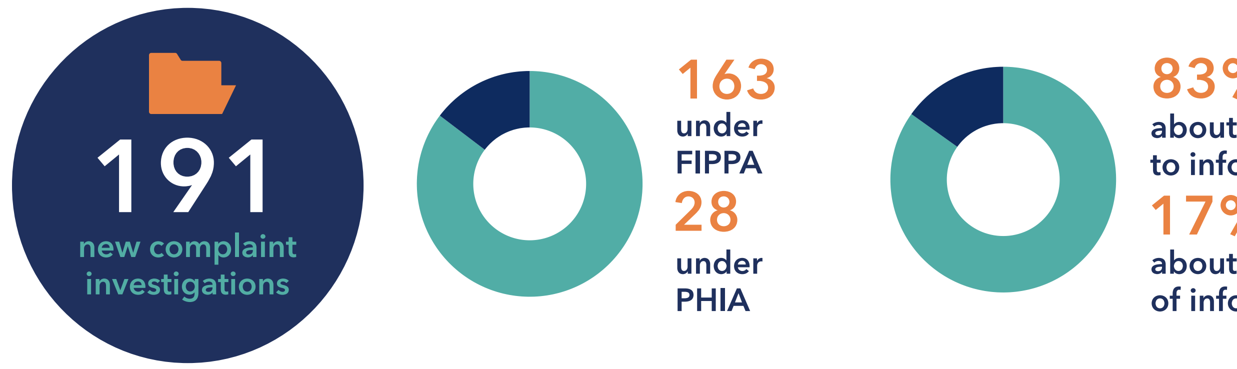
*more than one act may apply to a single case

63
consultations requested by public bodies

101
privacy breaches reported by public bodies

180
complaint investigations carried over from previous year

NEW INVESTIGATIONS



83%
about access to information

17%
about privacy of information

For more statistics about FIPPA and PHIA complaint investigations, please see the tables on pages 58-59.

NEW COMPLAINT INVESTIGATIONS BY TYPE OF PUBLIC BODY/ TRUSTEE

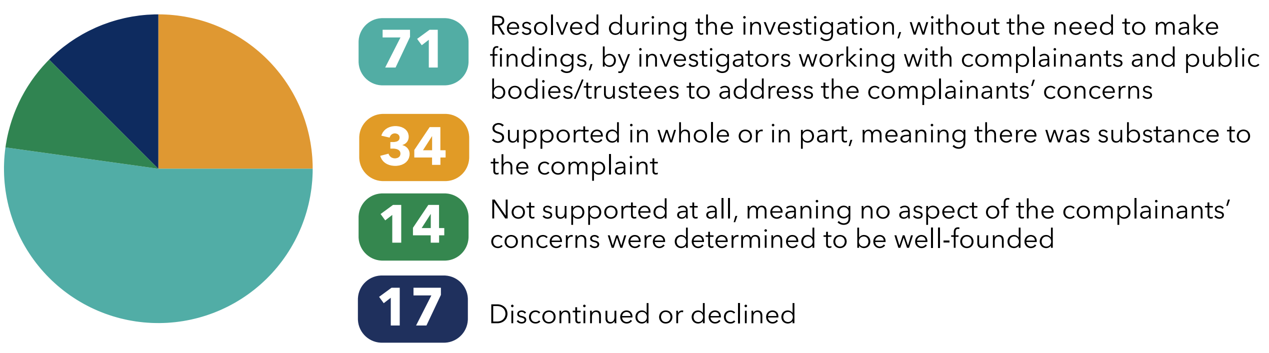
FIPPA

Provincial departments	Local government bodies	Educational bodies	Provincial agencies	Health-care bodies
45%	29%	16%	9%	2%

PHIA

Health-care bodies	Provincial departments	Educational bodies	Health-care professionals	Provincial agencies
68%	11%	7%	7%	7%

OUTCOMES OF 136 CLOSED COMPLAINT INVESTIGATIONS



ACCESS TO INFORMATION

Citizens have the right to access information from public bodies under both FIPPA and PHIA.

Under FIPPA, people can request either general information from the public body or personal information about themselves that the public body holds. Under PHIA, people can request access to their personal health information from public bodies and other health information trustees. They also have the right to request a correction if they feel their personal information held by the public body or health information trustee is incorrect.

The Ombudsman receives complaints from people who have concerns about a public body or trustee's decision, response or handling of their request to access information. The Ombudsman also receives complaints about a public body or trustee's response to a person's request to have their personal information corrected.

WHAT WE SAW

Complaints about refusal of access decisions continue to be the majority of the complaints we receive about access to information. These cases include decisions where refusal of access is for part or all of the records.

58% of FIPPA access complaints were on refused access

We also saw an increase in complaints about public bodies not responding to requests for information within the legislated timeframes.

18% of FIPPA access complaints were about not getting a response

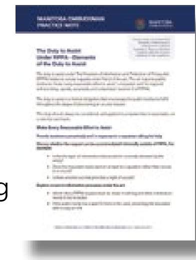
Despite having a minimum of 45 days to respond, some public bodies are increasingly failing to adhere to legislated timelines to respond. Public bodies have legislated obligations and need to be responsive, even during times of increasing requests.

Public bodies have more time to respond to requests than they did prior to 2022 legislative amendments. Under FIPPA, public bodies may be able to extend their response time another 30 days, for a total of 75, and can also ask the Ombudsman for an even longer extension. The number of FIPPA no response complaints has increased 50 per cent since 2022-23.

REQUESTS INCLUDING LARGE VOLUMES OF RECORDS

In some cases, we see citizens making broad requests for information from large time periods including multiple years. We note that these requests are often less specific or very complicated. This requires the public body to spend time clarifying the request which can lead to delays in access decisions.

It's important for public bodies to act on their duty to assist citizens in navigating the process, potentially narrowing or being more specific in their requests. This can help meet the needs of the requester while also possibly making the request more feasible. We have available practice notes and guidance for public bodies to help in managing requests or complaints about requests.



The citizen should also try to be proactively informed on how to make a request and engage with the public body to enable them to process the request. Our handbook, Your Information Rights, provides tips to help citizens navigate the FIPPA process. These resources can all be found on our website.

LENGTH OF INVESTIGATIONS

Our office wants to acknowledge that some investigations have been taking longer than anticipated due to high caseload volumes. Work is underway to identify efficiencies in the investigation process to ensure more timely service.

221 Access-related cases closed or resolved early

158 Access-related complaint investigations opened

- 151 under FIPPA
- 7 under PHIA

117 Access-related investigations closed

4 Public body requests for an extension of time to respond to access to information requests

	Opened	Closed	Declined or discontinued	Resolved	Not supported	Supported in part or in whole
Type of FIPPA Access Complaint Investigations						
Refused access	88	57	6	29	10	12
No response	27	31	2	15	0	14
Adequacy of search	8	6	1	3	1	1
Request was disregarded	12	5	1	4	0	0
Extension	5	6	1	2	1	2
Fees	3	3	0	3	0	0
Fee waiver	3	1	1	0	0	0
Correction	0	0	0	0	0	0
Other	5	3	0	2	1	0
TOTAL	**151**	**112**	**12**	**58**	**13**	**29**
Type of PHIA Access Complaint Investigations						
Adequacy of search	3	2	0	2	0	0
Correction	2	0	0	0	0	0
Refused access	1	1	0	1	0	0
Other	1	2	0	2	0	0
TOTAL	**7**	**5**	**0**	**5**	**0**	**0**

FIPPA – REFUSED ACCESS

RIVER EAST TRANSCONA SCHOOL DIVISION

COMPLAINT RESOLVED

An individual complained to our office about a decision of the River East Transcona School Division (RETSD) to refuse access to to a copy of a human rights settlement agreement between the division and a third party on the basis the agreement was confidential and involved a minor child.

The complainant explained to our office they requested the agreement because they understood it was related to RETSD policies on diversity. They felt seeing the terms of the agreement would help them understand opportunities for amending the policies.

In discussing the complaint with RETSD, they proposed that other information outside of the settlement agreement might better explain the content of the policies. RETSD wrote to the complainant to explain more about provincial guidance and the human diversity policies that were issued to school divisions shortly after the settlement agreement was reached.

With the support of our office, the parties were able to come to a solution that provided the individual access to alternate information. RETSD's actions addressed the complainant's primary concern, so we considered the matter resolved.

FIPPA REFUSED ACCESS

CITY OF WINNIPEG - WINNIPEG POLICE SERVICE

COMPLAINT SUPPORTED & RECOMMENDATIONS MADE

An individual complained to our office about the Winnipeg Police Service's (WPS) decision to refuse access to records relating to police officer discipline. The WPS provided partial access to 59 pages of records, withholding some on the basis that disclosure was harmful to third parties' privacy (section 17 of FIPPA).

The WPS also refused access to another 34 pages under clause 23(1)(b) of FIPPA which relates to information about consultations or deliberations involving employees of the public body.

We noted that the 34 pages refused in full had not been reviewed by the public body to determine if any portion of those records could reasonably be disclosed. We communicated our concerns to the WPS who then provided the complainant with a revised decision which disclosed some of the information, but withheld the remaining information citing section 17.

In our review of the revised access decision on the 93 pages, we found some of the information in the requested records was the personal information of identifiable individuals and disclosure would be harmful to multiple third parties' privacy. We found it reasonable that this particular information was subject to the mandatory exception to disclosure in section 17 of FIPPA. We also determined this information could reasonably be removed from the record, enabling the remaining information to be disclosed without identifying WPS members.

The Ombudsman found the WPS did not fulfill the requirements of subsection 7(2) of FIPPA which outlines that applicants have a right to the remainder of the record, after relevant information has been severed.

The Ombudsman recommended the WPS reconsider the redaction of disciplinary penalties from the records and determine what penalties can be disclosed without reasonably expecting that an individual WPS member would be identified.

In addition, the Ombudsman recommended the WPS reconsider other information in the 34 pages to determine what could be disclosed without reasonably expecting that an individual WPS member or member of the public would be identified. The Ombudsman also recommended that the WPS provide the complainant with another revised access decision and response, disclosing this additional information.

The WPS accepted the recommendations.

It's important for public bodies to thoroughly consider access requests and assess all the information in the record to determine whether information subject to an exception to disclosure can reasonably be severed. Public bodies should be considering the citizen's right to access information and provide as much information as reasonably possible, as allowed by law.

This full report is available on our website.

FIPPA – REFUSED ACCESS

MANITOBA CONSUMER PROTECTION AND GOVERNMENT SERVICES

COMPLAINT RESOLVED

An individual requested access to communications about specific surplus provincial lands to and from Treaty Land Entitled (TLE) First Nations.

The department granted partial access to the records, indicating the responsive record included correspondence with a First Nation and the First Nation did not grant permission to release this information. The public body applied sections 20(1) (c.1) and 21(1) (c.1), of FIPPA, advising they determined disclosing this information could reasonably be expected to harm relations with Indigenous governments, organizations or individuals.

In our review, we noted the letter written by the First Nations' representative was not marked as confidential and there was no language in the letter that suggests confidentiality was anticipated. Additionally, the withheld information was publicly available through news sources. Therefore, we determined that clause 20(1) (c.1) of FIPPA did not apply to the letter.

We also considered the public body's representations regarding section 21(1) (c.1) that sharing the information could reasonably be expected to harm relations between the Government of Manitoba and the First Nation.

Our office relied upon Chesal v. Nova Scotia (Attorney General) et al. (2003) which established that the harm must be associated with the nature of the information itself, not the act of disclosing information without consent.

Based on our review of the withheld record and our consideration of the evidence, we communicated the results of our preliminary review and inquired if the public body would reconsider its decision.

On October 21, 2024, the public body provided us with a copy of the revised access decision letter sent to the complainant.

The complainant told us they were satisfied with the information released and considered their complaint resolved.

FIPPA provides specific criteria for when public bodies can withhold information, but those exceptions should be applied accurately, reasonably and thoroughly. If the information is held by the public body, the public can make an access request even when information about third parties is included.

FIPPA - DISREGARDED REQUEST

MANITOBA EDUCATION AND EARLY CHILDHOOD LEARNING

COMPLAINT NOT SUPPORTED

An individual complained to our office about the department's decision to disregard their request for access to records of inspections for all licensed Manitoba childcare centres for a period of multiple years.

Our office reviewed the information considered by the department in making its decision. The department determined it would take more than 8,000 hours to complete the request for more than 1,100 childcare centres. The public body explained to our office that it used a process of searching for a sample of the records to extrapolate the time it would take to facilitate the request. The department explained it considered the frequency of inspections, the types of documents, the number of centres, and that records were in varying formats as they shifted from paper to electronic formats over time. The department also explained it would take additional time to prepare the records for release by applying redactions to confidential information.

The department told us it explained to the complainant about the size of the search and that a fee estimate would be required. It asked the individual if they might narrow their request so it would be more feasible to complete. The complainant declined to narrow the request and expanded the request to include an additional period of time. After reviewing the communications and information provided by the complainant and department, and considering the records being requested, we are satisfied that processing the request would constitute an unreasonable interference with the public body's operations. Our office found that the public body's decision to disregard the request was reasonable and authorized under clause 13(1)(d) of FIPPA.

FIPPA - FEES

RM OF MINITONAS-BOWSMAN

COMPLAINT PARTLY SUPPORTED

The RM of Minitonas-Bowsman provided a fee estimate to an individual requesting access to records. The individual complained to our office about the fee amount.

We found the RM was authorized to charge for the cost of printing the record and followed the FIPPA Access and Privacy Regulation in calculating this charge.

However, we did not find the RM authorized to charge the complainant for the cost of sending the records via registered mail instead of regular mail. We noted that the RM made the decision to send the records to the applicant using registered mail and charged this cost to the applicant. In our review, we noted the RM did not consult with the complainant about mailing options.

The RM agreed to remove the cost of registered mail and advised the complainant only the printing cost was required.

It's important for public bodies to use the act and regulation when making fee assessments. It's unfair to make decisions that result in an additional cost to the applicant without consulting them.

FIPPA – NO RESPONSE

EXECUTIVE COUNCIL OFFICE

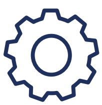
COMPLAINT SUPPORTED & RECOMMENDATION MADE

An individual made a complaint to the Ombudsman that the Executive Council Office did not respond to their request for information within the 45-day timeframe outlined under FIPPA. The complaint was made 10 weeks after the complainant made their initial access request to the Executive Council Office. We reviewed the circumstances and timelines of the request and discussed the request with the public body.

We found the Executive Council Office failed to respond to the complainant's request within 45 days as set out under FIPPA and we supported the complaint. The Ombudsman made a recommendation that the Executive Council Office respond to the request within a specified timeframe. The Executive Council office issued a response to the complainant 10 days after the recommendation report was issued, which was about 170 days after the initial request for information. The office then responded to accept our recommendation, within the required 15 days after the report was issued.

The time between the initial request and the response in this case was notable. It's important for public bodies to adhere to legislated timelines and to appropriately leverage extensions available to them, if required, through the legislated process.

This full report is available on our website.



1 RECOMMENDATION

FIPPA - REFUSED ACCESS

MANITOBA JUSTICE

COMPLAINT PARTLY SUPPORTED

An individual complained to our office about the public body's decision to partially refuse access to communications about the individual that occurred between specific programs or branches in the department. The department granted partial access to the requested information and explained it was redacting some information from the responsive records in accordance with several clauses of act. The causes related to personal information of third parties, information that would reveal advice, opinions, or consultations taking place among staff, and other information due to potential safety or security concerns (Sections 17, 23, 24 and 25).

In reviewing the department's decision, we noted inconsistencies in how information was redacted throughout the responsive records. Additionally, we noted the public body withheld the names and contact information of public body employees.

Subclause 17(4)(e)(i) states that disclosing personal information about an employee of a public body is not an unreasonable invasion of a third-party's privacy if the information is about the third party's job responsibilities as an employee of a public body.

We determined that the public body did not demonstrate that the mandatory exception of personal information of third parties applied to all the information withheld. We also determined that sections 23, 24 and 25 applied to other withheld information, and the public body reasonably exercised their discretion in deciding to withhold that information. We asked the public body to reconsider its initial decision and provide access to information previously withheld under section 17. The public body issued a revised response to the complainant. In the revised response, we found that FIPPA provisions were used appropriately to withhold some of the information, while more of the remaining information was now being provided.

PERSONAL INFORMATION AND PERSONAL HEALTH INFORMATION PRIVACY COMPLAINTS

Citizens have the right to have their personal information protected by public bodies and health information trustees.

Under FIPPA, this applies to personal information which is any recorded information about a person. Under PHIA, this applies to personal health information which is any recorded information about a person, their health and their health history.

The Ombudsman receives complaints from people about how their personal or personal health information was collected, used, or disclosed or how the public body failed to protect their information.

WHAT WE SAW

The number of individual privacy complaints we received was consistent with previous years.

285 Privacy-related cases closed or resolved early

33 Privacy-related complaint investigations opened

12 under FIPPA
21 under PHIA

19 Privacy-related investigations closed

	Opened	Closed	Declined or discontinued	Resolved	Not supported	Supported in part or in whole
Type of FIPPA Privacy Complaint						
Collection	0	0	0	0	0	0
Disclosure	5	5	1	0	0	4
Use	4	0	0	0	0	0
Security	3	1	0	1	0	0
TOTAL	**12**	**6**	**1**	**1**	**0**	**4**
Type of PHIA Privacy Complaint Investigations						
Collection	4	0	0	0	0	0
Disclosure	9	6	3	2	1	0
Security	6	6	1	4	0	1
Use	2	1	0	1	0	0
TOTAL	**21**	**13**	**4**	**7**	**1**	**1**

PHIA - PRIVACY COMPLIANCE

UNIVERSITY OF MANITOBA

OMBUDSMAN OWN INITIATIVE INVESTIGATION

Our office was notified that there were visible video cameras in patient exam rooms at a Brandon medical clinic and a patient was concerned about why the cameras were in place. Our office initiated a compliance investigation into this matter to establish the purpose of these cameras, their technical capabilities and the number of clinics that utilized them. We also wanted to understand what PHIA policies, procedures and safeguards were in place to inform and protect the privacy of individuals when the examination rooms are used.

We were advised by the clinic that these cameras are only utilized in-clinic for the purpose of the University of Manitoba's medical student program. We understand the University of Manitoba utilizes these cameras to enable preceptors to supervise and assess medical students' competencies via live camera footage during a patient's exam. The university told us that the purpose is to allow for more natural interactions between medical students and patients, without an observer in the room. We were told that supervision happens from a designated viewing station computer within the same clinic and the system is internal and closed-circuit with password protected log-in access only. The university advised us that there is no remote access to cameras.

We were advised that all clinics have related notices posted in the clinic and in the exam rooms, cameras are only enabled when an assessment with a student occurs, and patients are only viewed or recorded with their consent prior to the use of video observation. We understand if video observation is to occur, the student must obtain express consent and note it to the patient's chart and in most cases, consent must be obtained for each visit between the student and the patient.

Our office was satisfied that the University of Manitoba provides adequate notice related to the purpose of cameras within clinic exam rooms, obtains patient consent prior to camera use, and has implemented reasonable safeguards as well as policies to regulate the access of these video feeds. No further action was required by our office.

We appreciate that we were notified and had the opportunity to examine the privacy practices being implemented in conjunction with this video observation system. It's important for citizens and patients to feel safe and confident that all necessary privacy obligations are being adhered to. Compliance investigations are an opportunity to identify, strengthen or confirm adherence to privacy protections required by The Personal Health Information Act.

PHIA - UNAUTHORIZED DISCLOSURE

MEDICAL CLINIC

COMPLAINT SUPPORTED

A patient of the clinic complained that a staff person sent their name and personal health identification number (PHIN) to a general email of a third-party private service provider to support the complainant in completing an application to the Canada Revenue Agency.

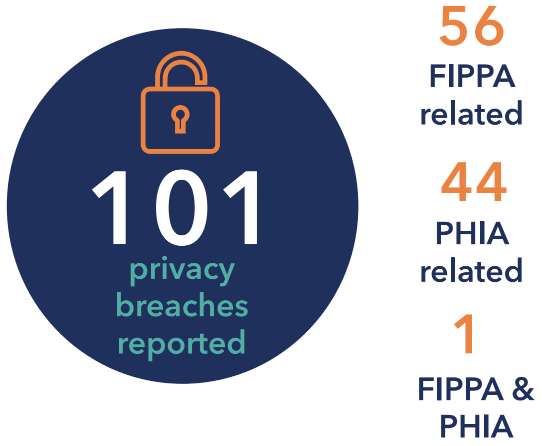
The complainant was concerned that the disclosure of their PHIN through a general email box was inappropriate. The clinic advised us that it initially tried to connect with the third-party by phone. When they were unsuccessful, they resorted to email and used the patient's name and PHIN as identifiers.

The clinic acknowledged that sending the information including the PHIN to a general email box was an unauthorized disclosure. It also acknowledges that it was unlikely the third-party service provider would have had the patient's PHIN in its system to use as an identifier. PHIA outlines that use and disclosure of personal health information by a trustee should be limited to the minimum amount required to accomplish the purpose for why it was disclosed.

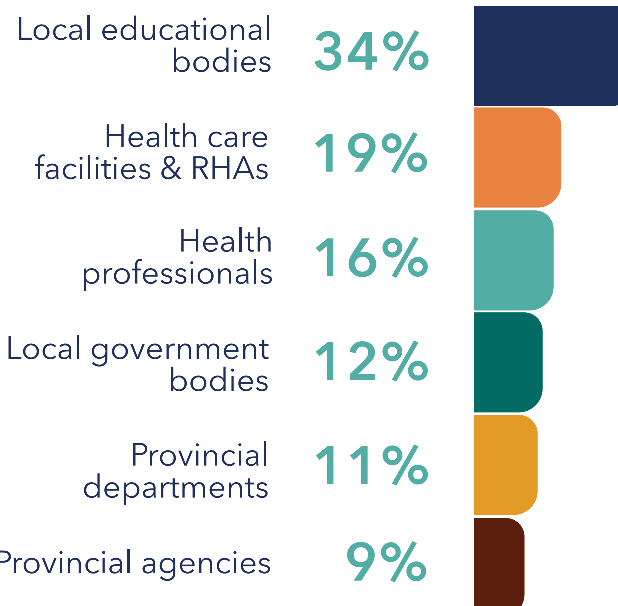
The clinic has provided a reminder to staff on its obligations under PHIA, including the use of a PHIN, and committed to apologize to the complainant.

PRIVACY BREACHES REPORTED BY PUBLIC BODIES

A privacy breach occurs when there is theft or loss, or unauthorized access, use, disclosure, destruction or alteration of personal information or personal health information.



NEW PRIVACY BREACHES BY TYPE OF PUBLIC BODY/TRUSTEE



As of 2022, Manitoba public bodies and trustees are required to report privacy breaches to Manitoba Ombudsman when the public body or trustee determines there is a **real risk of significant harm (RROSH)** to an individual because of the breach. The criteria for determining if a breach could create a risk of harm is defined under FIPPA regulation and PHIA regulation.

Public bodies can also make voluntary privacy breach reports to us which is a breach where they assessed there was not a real risk of significant harm. We are continuing to see an increase in breaches reported to our office.

PRIVACY BREACH REVIEWS

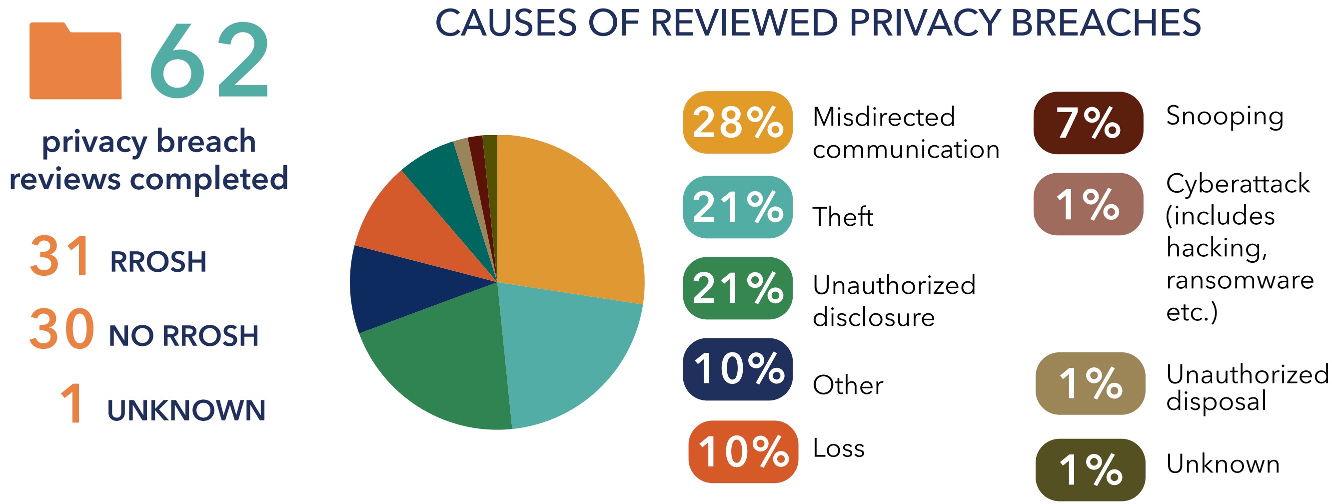
After receiving a privacy breach report our team would conduct a review. We determine if the public body or trustee took all reasonable steps to respond to the breach. We assess the public body or trustee's compliance with legislation and regulation for determining RROSH and review how affected individuals were notified. We may identify gaps in the response and ask the public body or trustee to address them. We may also give guidance and make recommendations, if needed, for appropriate action to improve privacy protections and prevent similar breaches from happening again in future.

If a public body does not find there is RROSH, they can still voluntarily report the breach to our office. Voluntary reporting of breaches to our office promotes transparency and accountability and can be beneficial when the public body or trustee is uncertain about its assessment of risk or when there is a likelihood that affected individuals may make complaints to our office. In some cases, we may agree with the public body or trustee's assessment of RROSH, in others we disagree. We also encourage proactive notification to affected individuals as good practice even if a breach is not felt to pose a real risk of significant harm.

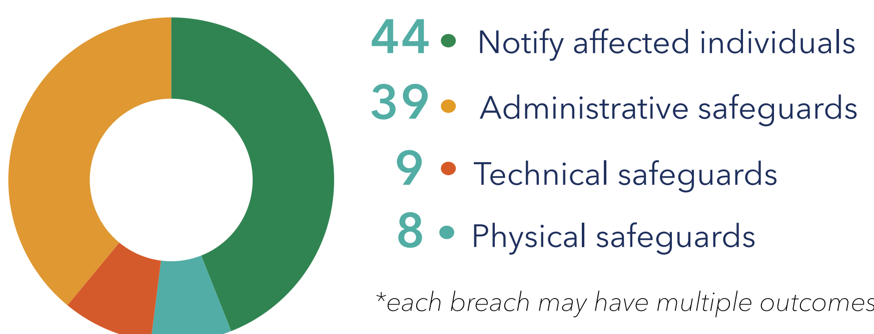
MANITOBA POWERSCHOOL PRIVACY BREACHES

During the reporting year, Manitoba Ombudsman was made aware that there were privacy breaches across many Manitoba school divisions that used PowerSchool data management platforms. The initial steps school divisions or any public body should take in responding to a breach are containing the breach, evaluating the risks associated with the breach and notifying affected individuals.

All school divisions affected would have been required to submit privacy breach reports to our office, as outlined under FIPPA and PHIA. School divisions reported these breaches to our office and we initiated a review. We provided information on our website about what happens when breaches are reported to our office and what individuals can expect from the Ombudsman's involvement. Visit our website for more information.



OUTCOMES OF PRIVACY BREACH REVIEWS



PHIA PRIVACY BREACH - USE, DISCLOSURE AND SECURITY OF INFORMATION

SOUTHERN HEALTH - SANTÉ SUD

OMBUDSMAN OWN INITIATIVE INVESTIGATION & RECOMMENDATIONS MADE

In our 2022-23 Annual Report, we reported on the results of an investigation and a prosecution of a facility privacy officer for unauthorized access of personal health information of a third party. Because a facility privacy officer plays an integral role in maintaining and enforcing privacy practices in a facility, we initiated a further review of the systemic circumstances that resulted in that breach.

Our review focused on the circumstances and whether Southern Health – Sante Sud's policies, procedures and safeguards were compliant with PHIA.

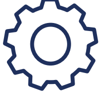
We found the authority had not met the security requirements and standards for the protection of personal health information set out under PHIA.

We found that current practices created difficulty in assessing the activity of the facility privacy officer and when it was authorized or unauthorized. We found that policies on accessing the personal health information (PHI) of a family member, friend or co-worker were not adhered to. We found that employees who became aware of an initial complaint did not accurately assess the risk or escalate the information to a regional privacy officer which indicates a lack of knowledge or enforcement of privacy practices. We found the region did not accurately assess whether access was authorized or not when conducting its own investigation but defaulted to the access being authorized without evidence. We also found the activity of the facility privacy officer was largely unchecked and unmonitored.

We found there was inconsistent documentation and record keeping of employees accessing PHI, the reasons they were accessing PHI and their authorization. We determined there was a need for oversight, additional safeguards as well as increased privacy policy training and enforcement. During our investigation the health authority undertook efforts to address gaps and issues that contributed to the breach and made improvements towards preventing a future similar breach from occurring.

We made six recommendations related to our findings. The authority accepted five recommendations, modified one, and committed to provide our office an implementation plan.

The detailed findings and recommendations are available in our full report on our website.



PHIA PRIVACY BREACH - UNAUTHORIZED ACCESS

PHARMACY EMPLOYEES

PRIVACY BREACH REVIEW

In two different instances reported to our office, pharmacy employees were flagged for accessing their own health information during their employer's system audits. In both instances the employees viewed their own vaccine records. The employers reminded employees that accessing their own health information was against both company and the Manitoba Public Health Information Management System (PHIMS) policies and is also not authorized under PHIA. We acknowledge the trustee's commitment in voluntarily reporting the breach even though RROSH was not determined to apply in these cases. They provided additional training and education to staff, to strengthen their privacy practices.

PHIA PRIVACY BREACH - UNAUTHORIZED ACCESS

NORTHERN HEALTH REGION

PRIVACY BREACH REVIEW

The Northern Health Region received an anonymous tip that a home care nurse was inappropriately accessing personal health information of individuals who were not under the nurse's care. An audit by the trustee revealed the employee had accessed the personal health information of 31 individuals without an authorized reason during a period of just over a year.

The region reported the breach to our office as required by PHIA and also notified affected individuals. We reviewed the region's response to the breach. As a result of this breach, the region deactivated access to eChart for its home and palliative care direct service nurses, having determined that they do not require access to eChart to complete their role responsibilities. The trustee also took additional steps to enhance employee knowledge of appropriate access to clinical information systems and their responsibilities under PHIA. This was completed both among home and palliative care teams, and with the broader workforce.

We found the region took appropriate steps to assess RROSH, manage this breach and prevent a similar recurrence.

PHIA PRIVACY BREACH - UNAUTHORIZED DISCLOSURE

HEALTH-CARE BUSINESS

PRIVACY BREACH REVIEW

A health-related business reported a privacy breach to our office after papers with personal health information were found strewn outside of its building and returned by a nearby tenant. The business reviewed the incident and advised the information was in envelopes and deposited into its one-way drop box by a physician client and the box had been broken into.

The business advised us that a minimum of 88 patients were affected with the information containing patient names, PHINs, diagnoses, medical information, prescription information, physician notes and billing codes. The business assessed that RROSH was created in this case and directly notified the 88 patients, complying with PHIA notification requirements.

The business advised us that other patients of the physician may have also been affected but could did not establish their identities.

Out of an abundance of caution, the business posted indirect notice at three facilities within a northern community where the physician had provided services.

This case highlights the sensitivity of personal health information and demonstrates how taking steps to be transparent with affected individuals can foster public confidence.

ACCESS & PRIVACY CONSULTATIONS FOR PUBLIC BODIES & TRUSTEES

Manitoba Ombudsman is available for specific consultation and guidance on issues relating to FIPPA and PHIA. During these consultations we may discuss factors to consider in interpreting and applying provisions of FIPPA and PHIA, provide guidance on best practices to follow, or refer them to investigation reports or practice notes or other resources on our website. These informal consultations and outreach activities may help improve compliance with the requirements of FIPPA and PHIA and prevent complaints being made to our office.

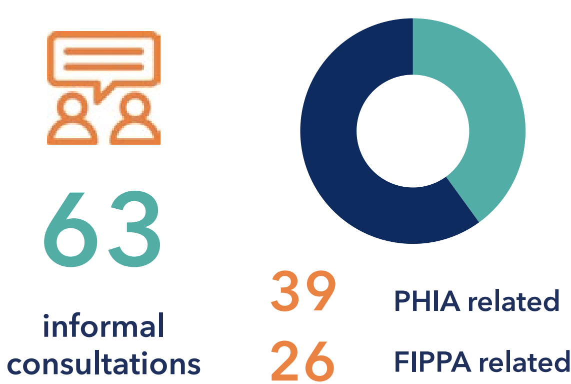
During 2024-25, we had 63 informal consultations about access and privacy matters. In total, 26 informal consultations related to matters under FIPPA, and 39 related to matters under PHIA . Sixteen were access to information matters and 48 were privacy matters with one encompassing both.

Examples of privacy consultations:

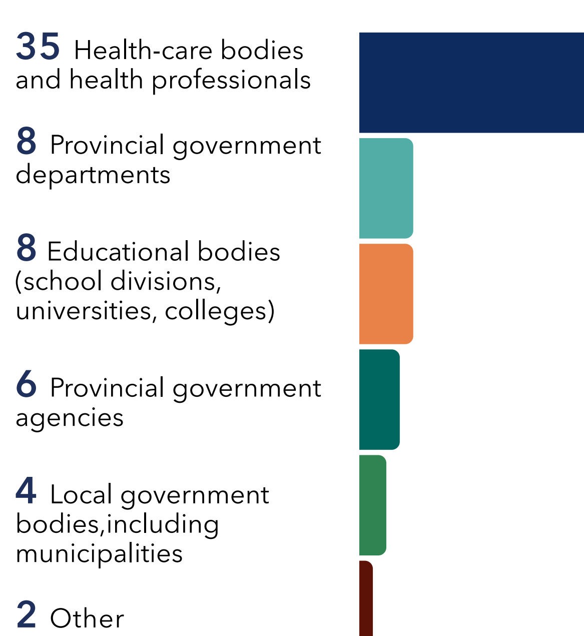
- Provided best practice guidance on security safeguards for sending personal/personal health information to individuals or third parties
- Provided resources to support assessment and response to potential privacy breaches, including determination of whether/when to notify affected individuals and/or report to Manitoba Ombudsman
- Raised considerations for decisions about disclosure (determining authority and assessing how much information needs to be disclosed and who needs to know the information)
- Provided guidance on legislated requirements to support creation or changes to privacy policies and procedures

Examples of access to information consultations:

- Raised considerations and requirements under FIPPA for requesting clarification of requests and process for determining if requests have been abandoned
- Shared past investigation reports published by the Ombudsman dealing with specific provisions of the FIPPA
- Provided practice guidance and information to support processing requests for larger numbers of records
- Provided information about individuals' rights of access to their own information being exercised by someone on their behalf



TYPES OF PUBLIC BODIES AND TRUSTEES WHO CONSULTED OUR OFFICE



ADMINISTRATION AND FAIRNESS

Citizens can complain if they were treated unfairly through the administrative actions and decisions of a public body when it acted differently than what law or policy requires or rights were not respected.

These complaints can be about the administrative processes of public bodies that are subject to The Ombudsman Act.

1,960

new cases under The Ombudsman Act

1,922

cases closed or resolved early

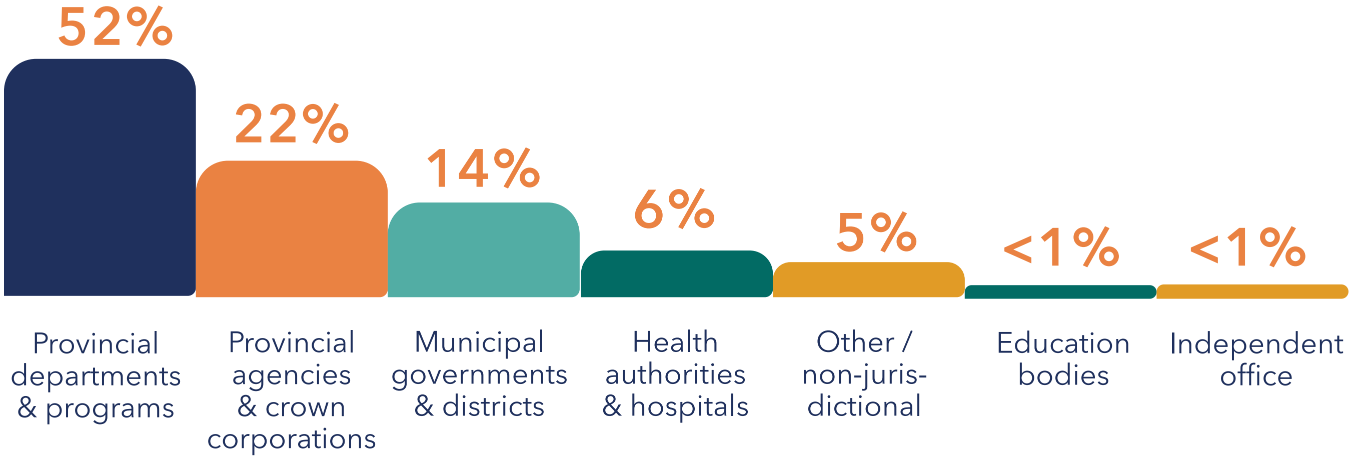
WHAT WE SAW

Many individuals come to our office with concerns about public bodies under our jurisdiction. We provide information to help people access processes and resources that may help them with their concern. We explain the role and function of our office, citizen's rights under various acts and how to exercise them, and make referrals to other resources when the matter is non-jurisdictional or not appropriate for our office.

When a complaint is about a matter of administration, we may provide information about other avenues of review or appeal if those had not been utilized.

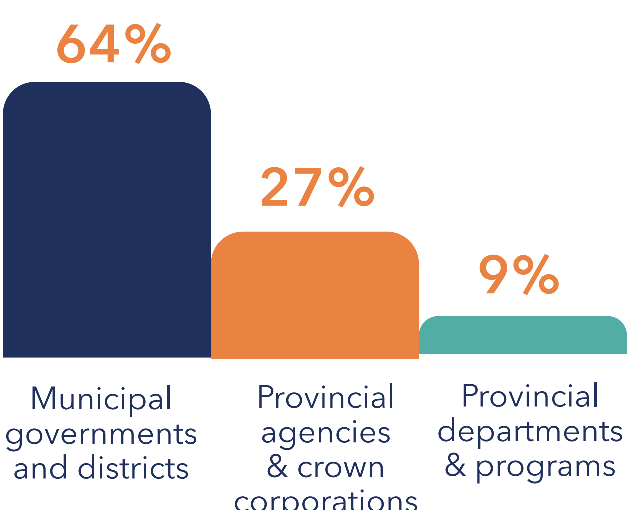
In many cases, we are able to resolve complaints without needing a full investigation. We make inquiries, review documentation and work with the complainants and public bodies to try to resolve concerns. For complaints we can't resolve, a full investigation may be required.

NEW CASES BY TYPE OF PUBLIC BODY

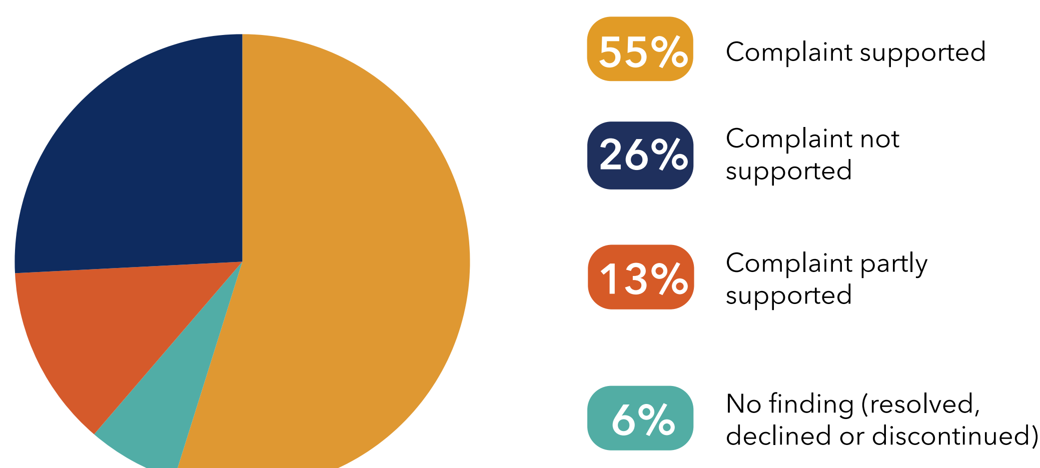


*This number reflects that we resolved more cases without the need for an investigation which results in a lower number of investigations opened.

NEW INVESTIGATIONS BY TYPE OF PUBLIC BODY



OUTCOMES OF CLOSED INVESTIGATIONS



For more statistics about Ombudsman Act complaint investigations, please see the tables on pages 60.

CASE SUMMARY

RURAL MUNICIPALITY OF CORNWALLIS

CLOSED MEETING CONFIDENTIAL INFORMATION DISCLOSURE

COMPLAINT SUPPORTED - RECOMMENDATIONS MADE

An individual complained to our office that the Reeve of the RM of Cornwallis disclosed closed meeting confidential information to third parties. During the investigation we reviewed the circumstances including documentation and interviews with parties and witnesses involved. We found the information in question was disclosed, despite being discussed in a closed meeting and that there was no evidence that council had decided to make the information public or had discussed the information in a public meeting.

Both The Municipal Act (Section 83) and the municipality's Procedure By-Law outline the requirement to keep matters discussed at closed meetings confidential until the matter is discussed in a public meeting. Additionally, The Municipal Act states that if the confidentiality requirement is breached by a member of council, the member is disqualified and must resign immediately.

We made three recommendations including that the council and chief administrative officer receive training on their responsibilities under Section 83 of The Municipal Act, that the council consider the confidentiality and disqualification requirements of the act including determining whether it was necessary to bring an application for the Reeve's disqualification, and that the municipality issue an apology to an affected individual who was impacted by the disclosure of information. Council considered the report and accepted and implemented the recommendations.

This full report is available on our website.

CASE SUMMARY

CITY OF WINNIPEG - ASSESSMENT BRANCH

LIFE-LEASE APARTMENTS

COMPLAINT RESOLVED

A resident of a life-lease apartment complex approached our office with a complaint that the City of Winnipeg Assessment Branch was improperly assessing suites in the building and residents were paying too much in property taxes.

Our inquiries revealed that the city was assessing the life-lease apartments like condominiums, although the apartment market values are lower. Manitoba Ombudsman facilitated communication between the resident and the assessment branch to address the concerns.

The City of Winnipeg conducted a reassessment of the properties which resulted in a general reduction of the assessed values, and in turn, reduced property taxes. This resolution also facilitated the establishment a process for the future assessments of these properties. The complainant was satisfied with the outcome.

CASE SUMMARY

MUNICIPALITY OF HARRISON PARK

CONFLICT OF INTEREST

COMPLAINT NOT SUPPORTED

Three residents in the Municipality of Harrison Park complained to our office that a council member violated The Municipal Council Conflict of Interest (MCCOI) Act by participating in council discussions and decisions on short-term rental conditional use permit applications. The complainants felt the council member should not participate since the member owns and operates a short-term rental.

The member was of the view that they would not be in a conflict of interest since they did not stand to gain financially by voting on the conditional use permit applications of other individuals and did not vote on the approval of their own short-term rental.

We reviewed information and documentation from all parties, meeting recordings and minutes as well as all relevant provisions in The MCCOI Act, The Municipal Act, the RM's Code of Conduct By-Law, the RM's Procedures By-Law and the RM's By-Law 119 related to short-term rentals. We also reviewed training that council members had received on conflict of interest.

We found the council member took reasonable steps and made good faith efforts to assess compliance with The MCCOI Act. Our investigation did not find evidence of maladministration, and we did not find evidence to confirm that a direct or indirect pecuniary conflict of interest existed. We also found the municipality's actions and decisions to be reasonable and consistent with applicable policies and laws.

This full report is available on our website.

CASE SUMMARY

MANITOBA JUSTICE - CORRECTIONAL CENTRES

PLUMBING ISSUES

COMPLAINT RESOLVED

Our office received complaints about plumbing issues affecting some units within a correctional centre. The facility advised that the issues were caused by city construction work and were being addressed. Our office had also received a complaint about plumbing issues in a different unit in the same centre and found the facility was not aware of that issue. We asked the facility to review the matter. The facility found the unit had problems with flushing and water pressure and advised our office that they had a plumber fix the issue.

VISITATION SCHEDULING

COMPLAINT RESOLVED

A spouse of a person incarcerated at the facility contacted our office concerned about a sudden difficulty they had when trying to schedule a routine visitation. The complainant had routinely scheduled visitations without issue but then encountered a correctional officer who refused to schedule the visitation. The spouse was upset and concerned about the change and not getting a visitation for a needed date and time.

We helped facilitate communication so the complainant could raise their concerns directly to facility leadership to have their concern reviewed by the facility. The complainant was able to have a visitation scheduled and was satisfied with how the facility leadership was going to address the matter.

CASE SUMMARY

LOCAL GOVERNMENT DISTRICT OF PINAWA

FUNDING OF A COMMUNITY EVENT

COMPLAINT SUPPORTED - RECOMMENDATIONS MADE

A community member had concerns about the Local Government District (LGD) of Pinawa's funding and operating relationship relating to a community event called Lund Mania. The complainant questioned if the district's financial and human resource contributions to the event were appropriate. We reviewed several years of records and correspondence relating to the event. This included financial records and council activity such as resolutions.

We found that the LGD of Pinawa acted contrary to The Municipal Act when it established the event without passing a council resolution and proceeded to provide financial and staff resources to support the event. The LGD also acted contrary to Section 180(1) of the act when it passed a resolution approving a loan to the event. A loan can only be made to an established community non-profit organization and only through a bylaw.

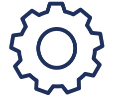
We found inadequate municipal governance over the event with insufficient separation between operating and funding the event and the routine business of the district.

While the district may have been well-intended in supporting this community event, it needed to take the appropriate steps to have systems in place that reduce financial risk and ensure transparency.

It is important for administrators to understand and accurately apply The Municipal Act, and all other applicable legislation, to their programs, policies, procedures, and decision-making.

Our office made four recommendations for the district to rectify the loan, receive training on relevant aspects of The Municipal Act, and ensure events are supported through resolution and committees as needed on a go forward basis. All recommendations were accepted by the district.

This full report is available on our website.



4 RECOMMENDATIONS

CASE SUMMARY

MANITOBA HYDRO

FEES FOR BILL PRINTING

COMPLAINT RESOLVED

A non-profit housing management company handles Manitoba Hydro bills for several Manitoba Housing clients. During the mail strike, the non-profit said they did not receive bills for its more than 130 accounts. When they requested bills from Manitoba Hydro, they were asked to pay a re-printing fee and felt the cost was not feasible or fair.

Our office facilitated communication between the non-profit and Manitoba Hydro. Manitoba Hydro indicated the bills had been issued but admitted it was likely the mail strike had interrupted them getting to the recipient. They also said the fees are part of their typical process for customers but acknowledged this was a unique situation. Hydro waived the fees and was able to provide the bills as needed. Hydro also made changes to its processes that acknowledge the role of this organization and the population it serves with a goal to reduce future issues and to be able to respond more appropriately.

CASE SUMMARY

ROSSBURN MUNICIPALITY

NUISANCE BEAVER TRAPPING PAYMENT

COMPLAINT RESOLVED

A trapper submitted an invoice for trapping nuisance beavers, but the municipality stated it would not pay. The municipality ran an annual program which provided payment to trappers for capturing and turning in nuisance beavers to prevent damage to roads and land.

The trapper provided the service consistent with previous years and told our office that he had verbally confirmed his plans to trap with two municipal staff and was encouraged to proceed. After invoicing the municipality, the trapper was advised of changes made to the program that year and, as a result, his work did not qualify for payment and was not approved by council.

The municipality told our office the beavers were trapped prior to the program start date and that the program had lower limits that year due to a reduced budget. The trapper felt changes to the program were only communicated after the fact, when he had already provided 51 beavers to the municipality. We saw no evidence that the municipality communicated to the trappers about the program changes or the new limits imposed to manage the finite program budget. This resulted in unfair treatment towards those whose invoices were not reimbursed.

The municipality and the complainant reached a settlement and the complainant received payment. We also became aware of two other trappers we heard also had unpaid invoices and advised the municipality.

The chief administrative officer brought the matter to council and took proactive steps to update and revise program guidelines. We are satisfied with the municipality's commitment to appropriately reimburse the trappers for the services they provided, and the steps taken to prevent a similar occurrence in the future.

CASE SUMMARY

EMPLOYMENT AND INCOME ASSISTANCE

MEDICATION FUNDING

COMPLAINT RESOLVED

An individual came to office with concerns about a decision by Employee and Income Assistance (EIA) to discontinue funding for their medication. Their medications were covered by EIA, but they were told coverage was ended because the individual applied for early retirement to a pension and benefit plan with a previous employer. The complainant said the pension would take five months to become active and, during that period, they would not have ability to pay for necessary medications.

We contacted EIA to determine if we could resolve the matter. EIA wanted a letter from the pension plan provider indicating the date the plan would take effect. The complainant had tried to get a letter from the plan provider but was told it would not provide one. With our intervention, EIA agreed to reopen the individual's file and resume medication coverage provided the individual make a declaration when their pension starts. This enabled the individual to have continuity in their medical treatment.

This resolution highlights how gaps in continuity of care can occur when individuals transition between benefit programs and how programs can consider individual circumstances when exercising discretion in decision making.

CASE SUMMARY

MANITOBA MUNICIPAL AND NORTHERN RELATIONS

DECISION REVERSAL

COMPLAINT SUPPORTED - RECOMMENDATIONS MADE

An individual complained to our office that Manitoba Municipal and Northern Relations (formerly Indigenous Reconciliation and Northern Relations) acted unfairly when it withdrew a previous approval granted to a cottage owner to construct solar panels and imposed an unreasonable timeline to relocate the already installed panels. These cottage lots are under the municipal jurisdiction of the department and are not on the provincial power grid.

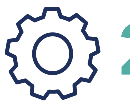
During our review, we found the affected cottage owner was not given advance notice that the approval granted was under review. The cottage owner also did not have meaningful opportunity to be heard when the compliance date for relocating the panels was issued.

The department eventually suspended the compliance date and worked with the cottage owner on a new timeframe that considered the specific circumstances.

During our review we found the department did not have adequate policies to guide development decisions in cottage subdivisions under its municipal authority. We also found the handling of the matter, once the branch decided it issued approval in error, was unfair. The lack of policy to guide decisions and lack of information available to help citizens understand the development process had significant effects on the complainant and other cottage owners.

The Ombudsman recommended the department develop the rules and authorized uses for the types of land in proximity to cottage lots and develop clear processes for owners to seek approval for development on those lands. The Ombudsman also asked the department to consider developing a policy specific to the construction of solar panels in cottage areas within its jurisdiction. The department accepted the recommendations.

This full report is available on our website.



2 RECOMMENDATIONS

CASE SUMMARY

MANITOBA HOUSING AND RENEWAL CORPORATION

INFORMATION ABOUT ESCALATING CONCERNS WITHIN MANITOBA HOUSING

COMPLAINT RESOLVED

Our office noticed a significant increase in the number of complaints received from tenants of Manitoba Housing. Although tenants had varying concerns, a common theme was not knowing how to escalate their concerns within Manitoba Housing. We reviewed Manitoba Housing's publicly available information and found there was no clearly stated process for tenants to resolve complaints or appeal program decisions.

We raised our concerns to the department who was open to improving communication to tenants on complaint and appeal processes.

Within a few months of our office flagging the issue, Manitoba Housing updated their website to include a step-by-step explanation of the issue resolution process, which included how to obtain contact information for relevant staff and information on the appeals process.

We were also told that physical posters with staff contact information were added to common areas, and refrigerator magnets were provided to each suite with information about how to report concerns.

We believe the department's administrative efforts to improve communication to tenants demonstrated commitment to accountability and provides tenants with a clearer way to navigate concerns and appeals.

CASE SUMMARY

MANITOBA STUDENT AID

DELAYED FUNDING AND LACK OF COMMUNICATION

COMPLAINT RESOLVED

Despite many attempts to connect with Manitoba Student Aid about their school funding, a post-secondary student was facing removal from their disability supports and school program after a lack of response from the program.

The student applied for funding following relevant processes and deadlines but did not hear back from the program. When the student reached out, the program told them all the paperwork had been lost.

The student repeatedly contacted the program over a course of weeks through phone calls and in-person visits, but the issue was not resolved. The student was then advised by their school that they were being removed from disability supports and were facing removal from the school program.

We contacted Manitoba Student Aid to request information about this student's issues. Student Aid indicated that high volumes were contributing to delays. We requested that the program communicate directly with the school to take responsibility for the delay and ask for an extension for the student's deadline to provide payment to the school.

Manitoba Student Aid contacted the student directly to explain the issue, apologize for the delay, and communicate that the school agreed to extend the deadline for payment.

The funding was released and received by the school in the weeks after.

WHISTLEBLOWING AND REPRISAL PROTECTION

We receive questions and disclosures from employees or others who want to report or ask about serious wrongdoing in a public body workplace.

This is often referred to as whistleblowing. The Ombudsman can only take whistleblowing disclosures about public bodies subject to The Public Interest Disclosure (Whistleblower Protection) Act (PIDA).

2024-25	RECEIVED/ OPENED	CLOSED
Inquiries	30	30
Disclosures of wrongdoing	24	31
Wrongdoing investigations	5	5
Reprisal complaints	1	8
Procedure Reviews	20	0
Public body consultations	16	10

24 disclosures made

31 disclosure cases closed

10 ACTED ON: Disclosures acted on can include disclosures assessed and opened as an investigation or resolved without investigation, disclosures referred to a designated officer or disclosures referred to the Office of the Auditor General.

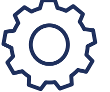
21 NOT ACTED ON

Disclosures not acted on can include disclosures that are assessed before being declined for reasons outlined below or disclosures that are non-jurisdictional.

1 Non-jurisdictional/no role for the Ombudsman

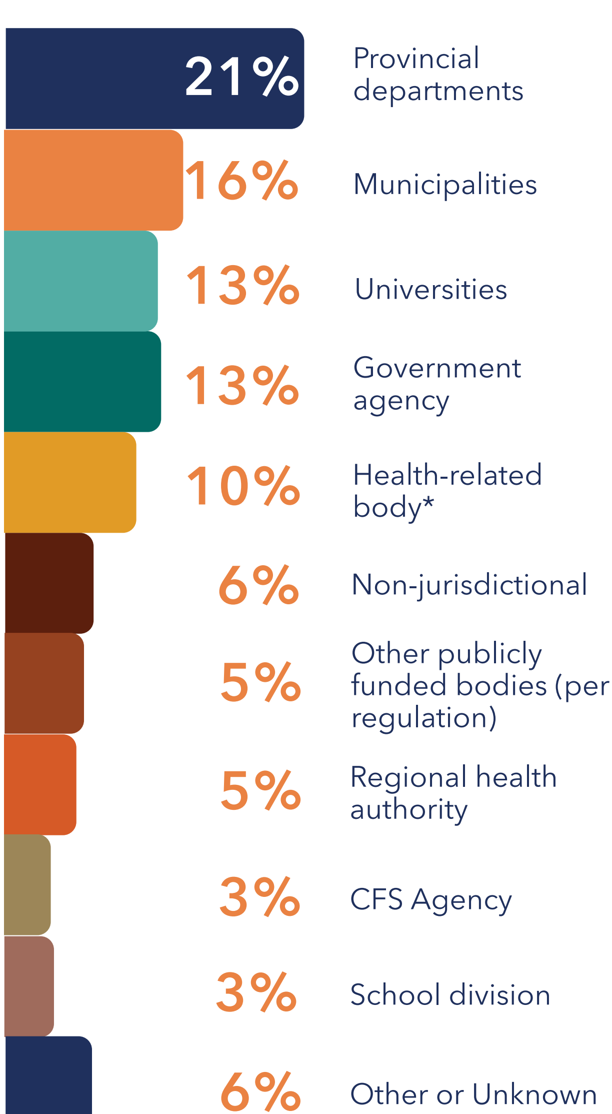
19 Declined:

- 6 - Not sufficiently serious or not made in good faith or frivolous or vexatious
- 4 - Could be more appropriately dealt with under another act
- 4 - Other valid reason determined by the Ombudsman
- 2 - Could be more appropriately dealt with under an employment agreement or collective agreement
- 2 - Designated officer is already investigating
- 1 - Relates to a matter resulting from a balanced and informed decision-making process on a public policy or operational issue
- 0 - Too much time has passed
- 0 - Does not provide adequate particulars about the wrongdoing



8 Eight recommendations made and accepted during the year - one complied with before the end of the reporting period (some recommendations may be implemented during other reporting periods)

PIDA ACTIVITIES IN 2024-25 BY TYPE OF PUBLIC BODY



*Health-related body data can include provincial health authorities and health facilities as listed in the PIDA regulation

BUILDING CAPACITY

Manitoba Ombudsman has a small, dedicated team of investigators who support our specialized work under the PIDA mandate.

In most cases, the Ombudsman is one of three avenues available for employees looking to make a disclosure. The legislation provides a process and protection for employees to make disclosures to their supervisor or designated officers internally through their organization. As part of our work, we provide information to designated officers and organizations through training, resources, consultations and procedure reviews.

CONSULTATIONS & TRAINING

We collaborated with the Public Service Commission to provide training for designated officers in the provincial government. This training aims to support knowledge and standardization with a goal of strengthening the role of PIDA in Manitoba. We also received 16 requests for consultation from public bodies. Consultations are opportunities to provide general guidance and information, including our tools or resources, that may be relevant and helpful. Consistent and strong PIDA practices can create opportunities to address or manage wrongdoing and maintain accountability and integrity in public services.

NEW GUIDANCE AVAILABLE: ASSESSING GROSS MISMANAGEMENT AND ASSESSING DISCLOSURES

This year we created new guidance for designated officers and organizations subject to PIDA. The Assessing Gross Mismanagement guidance provides a brief overview of gross mismanagement as a type of wrongdoing under PIDA. The Assessing Disclosures guidance provides a brief overview on how to assess disclosures of wrongdoing made by employees under PIDA. You can find these tools in the public body section of our website.

MORE PUBLIC BODIES SUBJECT TO PIDA & PROCEDURE REVIEWS

During the year, 10 municipalities opted in to PIDA. PIDA currently has about 800 publicly funded bodies and organizations subject to the legislation. All public bodies subject to PIDA must have procedures and communicate all relevant PIDA information to their employees annually. We may review procedures and make recommendations to improve compliance.
This year we initiated 20 procedure reviews mainly focused in the post-secondary education and the municipal sectors.

MAKING A DISCLOSURE ABOUT WRONGDOING

We encourage people to contact us before submitting a PIDA disclosure. Under PIDA, there are specific criteria for what qualifies as wrongdoing. We can determine if your disclosure aligns with the criteria or if it can be handled in a different, more appropriate way. If your concern is a wrongdoing, as defined by the act, we provide information on the disclosure process and reprisal protections for employees of public bodies. Anyone who reasonably believes they have information that could show a wrongdoing has been committed or is about to be committed in the public service can make a disclosure. If you are a public body employee you can make a disclosure to your supervisor, your PIDA designated officer or the Ombudsman. If you are not an employee, you may only present that information to the Ombudsman for it to be handled as a PIDA matter.

We assess each disclosure to determine:

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

For more statistics about PIDA activities, please see the tables on pages 61.

WRONGDOING INVESTIGATION

GOVERNMENT DEPARTMENT

INVESTIGATED & NO WRONGDOING FOUND - RECOMMENDATIONS MADE

We received a disclosure that an employee of the public body stole money that was intended for delivery of their public services.

During our investigation, we learned that financial mismanagement had been previously investigated as a human resource matter, which was unknown to the employee who made the disclosure to our office.

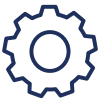
Our investigation substantiated the allegation and found the public body's internal investigation resulted in appropriate action to address the offence and it addressed future risk by revising policies and procedures.

We did not make a finding of wrongdoing in this case.

We made two recommendations that the public body review its fraud and theft policy to include reference to PIDA as an avenue for confidential disclosures and that it provide annual communication about PIDA and disclosure procedures to staff.

It is important for employees to know that PIDA is an option for them that has enhanced confidentiality and affords reprisal protection for making good faith disclosures.

The public body accepted our recommendations.



2 RECOMMENDATIONS

WRONGDOING INVESTIGATION

HEALTH-CARE ORGANIZATION

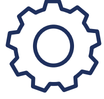
INVESTIGATED & NO WRONGDOING FOUND - RECOMMENDATION MADE

We received a disclosure about a service delivery organization defined as a public body under PIDA regulation. The disclosure alleged the public body lacked policies and procedures to guide financial decisions, potentially resulting in financial mismanagement.

We reviewed policies, programs, software, audits, and reports, and interviewed individuals in related areas of responsibility. We were satisfied that the public body has process in place to guide financial decisions but noted two areas where improvement was needed.

Through the investigation we learned the public body conducted their own organizational review which noted the public body lacked a conflict-of-interest policy. The organization had not implemented the policy despite it being a requirement of a service purchase agreement.

While we did not substantiate the allegation, we issued one recommendation that the organization create a conflict-of-interest policy. The public body accepted our recommendation.



1 RECOMMENDATION

WRONGDOING INVESTIGATION

NON-PROFIT ORGANIZATION

INVESTIGATED & NO WRONGDOING FOUND - RECOMMENDATIONS MADE

We investigated a disclosure about a non-profit organization that is publicly funded and designated in PIDA regulation as a public body.

The disclosure made three allegations including that senior leaders were financially benefitting from a conflict of interest, that they provided exceptional pay and benefits to an employee they had a personal relationship with, and that they prevented staff from reporting a potential crime to appropriate authorities.

We thoroughly examined all allegations and did not find wrongdoing under PIDA.

The senior leaders entered into a business partnership with the organization, at the direction of the board and after obtaining legal opinion on the issue of conflict of interest. In our review, we found the board of directors was aware of the conflict and all parties involved relied on legal counsel to assess conflict, but not all relevant information was available to inform the opinion. We found the senior leaders were in a conflict and breached the organization's conflict of interest policy but did not financially benefit.

The company cancelled its partnership with the organization shortly after we provided notice to the organization of our investigation.

We did not find any evidence to substantiate the allegation regarding exceptional pay and benefits or the allegation that staff were prevented from reporting a crime.

We made three recommendations for the organization and its board to review the conflict-of-interest policy to ensure it meets the requirements of its funding agreements, amend the policy to include annual training, and to ensure the board facilitates consistent oversight related to policy and governance processes.

In the process of our review, we found the organization could strengthen its PIDA practices. We made two recommendations regarding PIDA procedures and annual communication on PIDA to enhance awareness of PIDA within the organization.

The organization accepted all five of our recommendations.

CASE SUMMARY

NON-JURISDICTIONAL

RESOLVED

Our office received a disclosure from a government department employee regarding a matter they observed during their duties and believed could be wrongdoing. The matter involved an entity that used government services but is not an entity subject to PIDA.

While the Ombudsman did not have jurisdiction over the entity, our office received the disclosure to attempt resolution while protecting the identity of the disclosing employee and affording them reprisal protection.

Our office made efforts to learn and understand the rationale for the actions observed.

To facilitate a resolution, we notified the chief executive of the public body where the employee worked who clarified the matter by addressing a misunderstanding. We also reinforced that reprisal protection applies to any employee who makes a good faith disclosure.

While our office did not have jurisdiction over all parties involved, we were able to facilitate a resolution in a confidential manner while protecting the identity of the discloser and enabling reprisal protection for them.

MANITOBA OMBUDSMAN OBLIGATION TO REPORT ABOUT DISCLOSURES

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

Received: 0

Acted on: N/A

Not acted on: N/A

Number of investigations commenced as a result of a disclosure: N/A

REPRISAL COMPLAINTS

Employees who have participated in a PIDA process can make a complaint to the Manitoba Ombudsman.

Employees who make a disclosure in good faith, ask for advice about disclosures, or cooperate in an investigation into alleged wrongdoing are protected from reprisal under PIDA. Reprisal refers to measures taken against an employee such as a disciplinary measure, demotion, termination, or any measure to adversely affect employment or working conditions including making threats to do so. Under the law, private sector employees and contractors have reprisal protections but the Ombudsman does not have the authority to investigate these complaints.

CASE SUMMARY

GOVERNMENT DEPARTMENT

NO REPRISAL FOUND

We received a complaint from an employee alleging they had been subjected to reprisal following a PIDA wrongdoing investigation conducted by our office. The PIDA investigation resulted in a finding of wrongdoing and recommendations for corrective measures. The employee alleged decisions made and actions taken had adversely affected their employment or working conditions.

We confirmed the employee was involved in a PIDA investigation and had reprisal protection, and that the allegations made met the definition of reprisal. Our investigation reviewed whether the alleged reprisal measures were connected to the employee's involvement under PIDA.

While the timing of some of the actions and decisions the employee mentioned occurred before, during and after the PIDA investigation, we found that there was no connection between the PIDA protected activity and the employment actions being taken.

The employer was following obligations required by other laws and policies. PIDA protections afforded to an employee do not prevent an employer from managing the workplace in accordance with policies, procedures and the values of an ethical public service. We did not make a finding of reprisal.

This case was our office's first reprisal complaint after PIDA was amended to include authority for the Ombudsman to investigate allegations of workplace reprisal. The related PIDA investigation concluded before the office had the authority to investigate reprisal complaints.

We have since refined our processes and communication with public bodies to help promote and clarify the protections for disclosers and witnesses who come forward in cases of wrongdoing.

CASE SUMMARY

GOVERNMENT DEPARTMENT

REPRISAL PROTECTION DID NOT APPLY - NO REPRISAL FOUND

Three individuals made complaints of reprisal to our office indicating that a workplace investigation was initiated in retaliation for raising concerns in conversation with management about their branch's operations. The Ombudsman opened an investigation to determine if the alleged actions constituted reprisal as defined by PIDA.

We completed a thorough assessment of conversations, meetings and information-sharing that occurred surrounding the complainants' concerns and their conversation with their manager.

We could not determine that the workplace conversation was intended to be about seeking advice or making a disclosure under PIDA. There was no reason for the management to view the conversation as different than other discussions taking place at that time and they considered it within the normal scope of duties. We found the complainants did not engage in a protected activity under PIDA.

While our investigation confirmed there was an active workplace investigation which involved the complainants and other employees, we found the workplace investigation was not a result of the employees discussing their concerns with their supervisor but was necessary to comply with law and policy. We found the experiences of the complainants were consistent with other employees.

We found there was no reprisal, and the allegation as presented was unsubstantiated.

CASE SUMMARY

GOVERNMENT DEPARTMENT – CONTRACTOR

NO JURISDICTION FOR RECEIVING REPRISAL COMPLAINT

We received a reprisal complaint from an individual who alleged that their contract with government was not renewed because they participated in a process under PIDA.

PIDA limits our jurisdiction on reprisal complaints to employees or former employees of public bodies. As a private contractor, the individual is not considered an employee of government, and we were unable to review the reprisal complaint. The individual had to seek other legal avenues to address their concerns.

Private sector employees and persons contracting with government may submit disclosures of wrongdoing or be required to produce information, giving them protections under the act, but because they are not employees,they do not have a right of complaint about reprisal to the Ombudsman.

INQUEST RECOMMENDATION REPORTING

Under The Fatality Inquiries Act, the chief medical examiner may direct that an inquest into the death of a person should occur.

Inquests are presided over by provincial court judges and result in an inquest report that may recommend changes in programs, policies and practices of public bodies to reduce the likelihood of a death in similar circumstances.

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

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

THE OMBUDSMAN'S PUBLIC REPORTS

Between April 1, 2024 and March 31, 2025, we concluded follow up on 10 recommendations and published two inquest recommendation monitoring reports.

FREEMAN THOMAS GUSTAVE ZONG

The inquest into the death of Freeman Thomas Gustave Zong resulted in seven recommendations aimed to address the monitoring and safety of inmates who are identified as being a suicide risk. We assessed four recommendations as implemented, two recommendations as implemented with alternate solutions, and one recommendation as not implemented. The recommendation not implemented was the development of a checklist supporting the suicide prevention policy. It was not implemented before the Dauphin Correctional Centre closed. Our review noted the division's revised suicide prevention policy includes an appendix with an easy-to-read chart with key interventions and the intervals at which they are required but, in our view, this did not meet the intent of the recommendation.

Read the full report on our website.

RUSSELL ANDREW SPENCE

The inquest into the death of Russell Andrew Spence resulted in three recommendations to address officer training on managing individuals who have used methamphetamine, ensuring officers completing transfers have information on risk factors and improve video surveillance in specific locations. We received responses from the Winnipeg Police Service and Manitoba Justice (Winnipeg Remand Centre). After monitoring, we assessed the recommendations as implemented with final actions taken in January of 2025.

Read the full report on our website.

ONGOING MONITORING

We maintain regular communication with public bodies to receive updates, ask questions and seek additional information on implementation of inquest recommendations.

During the reporting period, 12 inquest reports regarding the deaths of 17 individuals were released and published by The Provincial Court of Manitoba. These reports resulted in 37 recommendations. This is a notable number of inquest reports published in a one-year span and is the highest annual amount published since the 2015-16 reporting year which saw 10 inquest reports published.

In total, there were 73 recommendations requiring monitoring at the end of the reporting period.

12

inquest reports issued by The Provincial Court of Manitoba

10

recommendations monitored and reported on by the Ombudsman

73

recommendations requiring follow up as of March 31, 2025

OFFICE OPERATIONS

2024-25 OFFICE BUDGET (NUMBERS REPORTED IN THOUSANDS)

	Budget	Actual
Total salaries and employee benefits	4118.0	3985.41
Other operating expenditures	1702.0	1207.20
Total	**5820.0**	**5192.6**

This year our operating budget included one-time increases to support our move and establishment and the new Winnipeg office location. Allocated relocation budget was not fully utilized as a result of prudent fiscal management and cost-effective relocation strategies. Operating costs are for all three office locations.

Additionally, our salary expenses reflect the office's reduced vacancies and required annual salary schedule incremental increases as well as changes to employee benefit costs.

2024-25 CORPORATE INITIATIVES

BUSINESS TRANSFORMATION & STRATEGIC DIRECTION

The 2021-2025 Operational Service Plan has served as a strategic roadmap for the Manitoba Ombudsman, aligning our team around a shared vision of enhanced service and operational improvement. This plan identifies key activities and projects that drive transformation across our organization, with priorities centered on citizen-focused service, operational excellence, organizational effectiveness, and efficient information management.

Our approach is both incremental and measured, allowing us to manage new projects and initiatives in line with our available resources. Over the fourth year of the plan, we achieved the following objectives:

Figure: The Manitoba Ombudsman Transformation Framework

PRIORITY 1: CITIZEN-CENTERED ORGANIZATION

- Published and posted our first Service Charter to the public
- Began redevelopment of the Manitoba Ombudsman website to support accessible, citizen self-service and an improved user experience in both English and French.
- Evaluated the Northern Pilot Project in partnership with the Manitoba Advocate for Children and Youth, leading to a proposal and approval from the Legislative Assembly Management commission to establish a permanent office and staff to help provide local service for northern Manitobans.
- Developed new strategic plans for French language and accessible service delivery.
- Survey research to understand and benchmark public awareness about the office and its role.

PRIORITY 2: OPERATIONAL EXCELLENCE

- Relocated to a new, centrally located, fully accessible headquarters featuring collaborative spaces and amenities to support a wider range of activities and services.
- Established standardized internal reporting on key business metrics across all mandates and functions to support quarterly reviews
- Initiated research and assessment of best practices and risks related to artificial intelligence, laying the groundwork for a responsible and effective policy framework for its use within Manitoba Ombudsman.

PRIORITY 3: ORGANIZATIONAL EFFECTIVENESS

- Delivered specialized training to designated officers in provincial public bodies responsible for administering public interest disclosures.
- Collaborated with Dr. Brenda Gunn for training on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to increase staff knowledge and understanding and identify opportunities for applying UNDRIP in the office's work.
- Established new capacities in legal advisory and information security to support complex investigations, comments on privacy impact assessments received by public bodies and other strategic initiatives.

PRIORITY 4: EFFICIENT INFORMATION MANAGEMENT

- Started collecting and mapping geographic data of complaints for more effective analysis on complaint themes to proactively report to public bodies and enable targeted outreach.
- Expanded data collection to capture a wider range of privacy breach information and its impacts on Manitobans.

As the 2021-2025 Operational Service Plan concluded, our leadership began developing a new strategic plan. This strategy will continue the progress of service plan initiatives with renewed future priorities, planned actions, and metrics for tracking progress, guiding both our budgeting requests and operational planning. During this reporting period, we conducted staff consultations and collaborative leadership sessions to establish the foundation of our new strategy, which will be formalized in 2025-26.

WORKFORCE

The office continued to strengthen its workforce through training, retention efforts and eliminating vacancies. A three-year collective bargaining process concluded and the first ever collective agreement for employees of the Manitoba Ombudsman was established. In conjunction with Manitoba Government Employee Union and Manitoba government non-union wage increases, Manitoba Ombudsman also implemented salary increases helping make it more competitive in attracting candidates for postings.

Training and onboarding for new staff continued and the office reached a zero per cent vacancy rate during the year.

As work took place to transfer cases from departing staff and concurrently train incoming staff, we want to acknowledge that some investigations have been taking longer than anticipated and resulting in higher-than-normal case volumes, particularly in our FIPPA and PIDA mandates. Work has been underway to address longer investigations while maintaining integrity and quality of service. Additionally, we are focused on monitoring standards and timelines for new cases with a goal of improving overall case management, bringing the office back to having more routine case volumes.

MANITOBA OMBUDSMAN WINNIPEG OFFICE LOCATION

The move to our Donald Street location was completed in June of 2024. The move was a significant undertaking, shifting the entire office from its previous location of more than 42 years to the new location at 300-5 Donald Street. The new location offers improved spaces to conduct interviews and meetings with complainants and public bodies. It also provides additional space for staff workstations, including accommodating students and interns temporarily working with the office.

The office is centrally located at a highly used intersection that is accessible by walking, driving, bussing or biking. We also operate publicly accessible locations in Thompson and in Brandon.

STAFF

Manitoba Ombudsman has teams dedicated to the work of different mandates and functions including intake and early resolution, access and privacy, administrative fairness and public interest disclosures as well as corporate support and business transformation. Thank you to all current and departed staff who contributed to the work of our office in the **reporting period.**

WINNIPEG OFFICE

Adetokunbo Alase, Investigator
Jacqueline Bilodeau, Manager, Access & Privacy Investigations
Shannon Bunkowsky, Executive Director of Strategic Initiatives
Corinne Caron, Investigator
Rowena Castro, Investigator
Melanie Chalmers, Investigator
Patti Cox, Advisor and Special Projects
Joshua Cruz, Policy Intern
Kat Day, Administrative Support Clerk
Lourdes De Andrade, Manager, Administration
Rory Ellis, Investigator
Alexandra Enns, Senior Policy & Planning Analyst
Leanne Fraser, Investigator
Meghan Gallant, Senior Investigator
Hermon Gidey, Investigator
Cindy Holloway, Director Early Resolution and Corporate Support
Stacey Kangas, Investigator
David Kuxhaus, Manager, Ombudsman Investigations & Manager of Intake
Leo Lam, Investigator
Amie Lesyk, Communications Director
Grant Lindgren, Assistant Deputy Ombudsman
Mary Loepp, Investigator
Noel Love, Investigator
Priscilla Serwaa Marfo, Policy Intern
Alyson McFetridge, Investigator
Tricia McKay, Administrative Support Clerk
Jack Mercredi, Indigenous Adviser & Community Connector
Maria Palattao, Acting Manager of Administrative
Jill Perron, Ombudsman
Megan Prydun, Manager of Ombudsman Investigations
Lori Roberts, Manager, Public Interest Disclosure Investigations and Ombudsman Act Investigations
Vikash Sinha, Information Security & Privacy Officer
Josh Tallman, Senior Legal Advisor
Nolan Theodore, Investigator
Sandra Tombo, Policy Intern
Gillian Van Haute, Investigator
Sheethal Veettil, Investigator
Marni Yasumatsu, Deputy Ombudsman

BRANDON OFFICE

Chris Baker, Investigator
Wanda Bryant, Complaints Analyst
Andrea Grynol, Senior Investigator
Jennifer Kenler, Investigator

THOMPSON OFFICE

Ila Miles, Administrative Assistant
Lydia Blais, Intake officer (MO/MACY)

DETAILED STATISTICS

PHIA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2024-25	New cases in 2024-25	Total cases in 2024-25	Pending at 3/31/2025
Health-care body				
Eden Mental Health Centre	0	1	1	1
CancerCare Manitoba	1	3	4	3
Medical Clinic	6	6	12	7
Personal Care Home	0	1	1	1
Shared Health	2	0	2	1
Health Sciences Centre	0	2	2	2
Manitoba Clinic	0	1	1	1
Mount Carmel Clinic	1	0	1	1
Northern Health Region	1	0	1	1
Southern Health-Santé Sud	0	1	1	0
Winnipeg Regional Health Authority	6	3	9	8
St. Boniface Hospital	2	1	3	2
Health professional				
Physician	2	0	2	2
Pharmacist	0	2	2	0
Local education body				
University of Manitoba	0	2	2	2
Local government body				
Cornwallis	2	0	2	0
Provincial agency				
Metis Child, Family and Community Services	1	0	1	1
Manitoba Hydro	0	1	1	1
Manitoba Public Insurance (MPI)	0	1	1	1
Workers Compensation Board	3	0	3	1
Provincial Department				
Health, Seniors, & Long-Term Care	0	2	2	1
Families	1	0	1	1
Justice	0	1	1	0
TOTAL FOR ALL PHIA CASES				
	28	**28**	**56**	**38**

Pending: Complaint still under investigation as of March 31, 2025.

FIPPA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2024-25	New cases in 2024-25	Total cases in 2024-25	Pending at 3/31/2025
Local education body				
Division Scolaire Franco-Manitobaine	2	8	10	10
Hanover School Division	2	0	2	0
Louis Riel School Division	1	0	1	1
Mountain View School Division	2	4	6	4
Pembina Trails School Division	1	3	4	2
Red River College	1	0	1	1
River East Transcona School Division	1	0	1	0
St. James Assiniboia School Division	5	0	5	3
University of Manitoba	1	5	6	3
University of Winnipeg	0	5	5	4
Western School Division	0	1	1	1
Winnipeg School Division	2	0	2	2
Provincial agency				
All nations coodinated response network	0	1	1	1
CFS Agency/Authority	1	0	1	1
Legal Aid MB	1	1	2	1
MB Agricultural Services Corp	1	0	1	1
MB Human Rights Commission	0	3	3	2
MB Hydro	4	0	4	3
MB Liquor and Gaming Authority	0	1	1	1
MB Public Insurance (MPI)	8	0	8	3
MB Securities Commission	0	1	1	1
MB Water Services Board	0	3	3	1
Workers Compensation Board	0	1	1	1

FIPPA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2024-25	New cases in 2024-25	Total cases in 2024-25	Pending at 3/31/2025
Local government body				
Armstrong	0	1	1	1
Brandon	1	2	3	3
Cornwallis	0	2	2	2
Dunnottar	0	1	1	1
East St. Paul	0	5	5	5
Ethelbert	0	1	1	0
Gimli	1	1	2	0
Lac du Bonnet	4	1	5	4
Lakeshore	0	3	3	2
Lynn Lake	1	0	1	0
MacDonald	1	0	1	1
Minitonas-Bowsman	0	4	4	2
Portage la Prairie	0	1	1	0
Springfield	1	1	2	1
St. Clements	0	1	1	1
St. Laurent	1	0	1	0
Taché	1	0	1	0
West St. Paul	4	2	6	2
Westlake-Gladstone	1	1	2	2
City of Winnipeg	25	20	45	24

FIPPA INVESTIGATIONS OF INDIVIDUAL COMPLAINTS (UNDER PART 5)	Case Numbers			
	Carried over into 2024-25	New cases in 2024-25	Total cases in 2024-25	Pending at 3/31/2025
Health-care body				
Shared Health	2	2	4	2
Winnipeg RHA	2	0	2	1
Riverview Health Centre	1	0	1	1
Provincial department				
Advance Education , Skills and Immigration	1	1	2	2
Agriculture	0	5	5	5
Business, Mining, Trade & Job Opportunities	3	7	10	2
Education and Early Childhood Learning	0	1	1	0
Environment & Climate Change	3	8	11	5
Executive Council	2	2	4	3
Families	5	5	10	6
Finance	13	3	16	12
Health, Seniors and Long Term Care	3	6	9	4
Housing, Addictions, & Homelessness	2	4	6	6
Justice	25	13	38	25
Labour & Immigration	3	5	8	5
Municipal & Northern Relations	1	3	4	3
Natural Resources and Indigenous Futures	1	0	1	1
Public Services Commission	5	7	12	10
Public Service Delivery	4	5	9	4
Sport, Culture,Heritage, & Tourism	0	2	2	2
Transportation and Infrastructure	2	0	2	0
TOTAL FOR ALL FIPPA CASES				
	152	**163**	**315**	**197**

THE OMBUDSMAN ACT INVESTIGATIONS	Case Numbers			
	Carried over into 2024-25	New cases in 2024-25	Total cases in 2024-25	Pending at 3/31/2025
Health Authorities / Hospitals				
Winnipeg RHA	1	0	1	1
Municipal Governments & Planning Districts				
Alexander	2	0	2	2
Alonsa	5	0	5	5
Brokenhead	0	1	1	1
Cornwallis	2	1	3	1
East St. Paul	1	0	1	0
Harrison Park	3	0	3	0
Lakeshore	1	0	1	0
Pinawa	0	1	1	1
Red River Planning District	2	0	2	0
Ritchot	0	1	1	1
Souris-Glenwood	0	1	1	1
St. Clements	1	0	1	0
Steinbach	2	0	2	0
Swan Valley West	1	0	1	0
West St. Paul	2	1	3	0
Winnipeg	3	1	4	0
Non-jurisdictional/Other				
General	3	0	3	1
Provincial Agencies & Crown Corporations				
Manitoba Human Rights Commission	0	1	1	1
Manitoba Hydro	0	1	1	1
Manitoba Securities Commission	0	1	1	1
Workers Compensation Board	1	0	1	0

THE OMBUDSMAN ACT INVESTIGATIONS	Case Numbers			
	Carried over into 2024-25	New cases in 2024-25	Total cases in 2024-25	Pending at 3/31/2025
Provincial Departments & Programs				
Business, Mining, Trade and Job Creation	1	0	1	1
Environment and Climate Change	1	0	1	0
Families	4	0	4	1
Housing, Addictions & Homelessness	3	0	3	1
Justice	4	1	5	2
Labour and Immigration	1	0	1	0
Municipal and Northern Relations	1	0	1	0
Natural Resources and Indigenous Futures	1	0	1	0
Public Service Delivery	1	0	1	1
Transportation and Infrastructure	1	0	1	1
TOTAL FOR ALL OMBUDSMAN ACT				
	48	**11**	**59**	**24**

THE PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION) ACT	Case Numbers						
	Total	PIDA Disclosure	PIDA Inquiry	PIDA Investigation	PIDA PB Consult	PIDA Procedure Review	Reprisal complaint
Provincial Department	20	3	7	1	8	0	1
Municipality	15	1	3	0	1	10	0
Universities	12	2	2	0	0	8	0
Government agency	11	5	3	1	2	0	0
Health related body*	10	4	2	2	1	1	0
Non- Jurisdictional	6	2	4	0	0	0	0
Publicly funded (as per regulation)	5	1	3	0	1	0	0
Regional Health Authority	5	3	1	1	0	0	0
CFS Agency	3	2	1	0	0	0	0
School division	3	1	2	0	0	0	0
Other or Unknown	6	0	2	0	3	1	0
TOTAL FOR ALL PIDA CASES							
	96	**24**	**30**	**5**	**16**	**20**	**1**

**Health-related body data can include provincial health authorities and health facilities as listed in the PIDA regulation*