

CASE STUDY

Access to Information in Practice

TEACHER'S NOTES

Review the purpose of freedom of information legislation and the Freedom of Information and Protection of Privacy Act specifically. Remind students that anyone can request access to documents and other recorded information held by public bodies. See page 2 for more information about Manitoba's FIPPA and the federal Access to Information Act. Additionally, Manitoba's Personal Health Information Act (PHIA) gives individuals the right of access to their personal health information.

Read through the "Access to information in practice" case study together. Explain what is meant by severing or redacting a document, because some students may not understand the term.

Have students complete the questions for understanding as a class, and then discuss as a class.

1. By receiving the requested information, Katie would find out about how the interviewers on the selection committee responded to her answers, and she would see the scores assigned to her answers. This kind of information would help Katie assess her own strengths and weaknesses, and help her to better prepare for the next job interview. Because Katie knew about FIPPA, she was able to eventually get the information she wanted, even though the department first denied her request. The department also learned more about FIPPA in the process – they were right not to release records with other people's personal information. They were reminded that they could release the information about Katie to her, while severing information about other applicants.
2. There are numerous responses to this question. Discuss some of the proposed answers. Manitoba Ombudsman posts selected FIPPA investigation reports on its website, which can provide some examples of different kinds of requests and complaints. See the "FIPPA Investigation Reports" link at:
<https://www.ombudsman.mb.ca/info/fippa.html>

GRADE 9 CURRICULUM CONNECTIONS

Grade 9 Social Studies Skills Outcomes that correspond to this activity:

Critical and Creative Thinking Skills

- S-301 Analyze the context of events, accounts, ideas, and interpretations.
- S-307 Propose and defend innovative options or solutions to address issues and problems.

Communication Skills

- S-400 Listen to others to understand their perspectives.
- S-401 Use language that is respectful of human diversity.
- S-402 Express informed and reasoned opinions.
- S-404 Elicit, clarify, and respond to questions, ideas, and diverse points of view in discussions.
- S-405 Articulate their perspectives on issues.
- S-406 Debate differing points of view regarding an issue.

Grade 9 Social Studies Knowledge and Values Outcomes that correspond to this activity:

Cluster 2: Democracy and Governance in Canada

Learning Experience 9.2.2: Representing Canadians

- KP-046 Give examples of ways in which people can individually and collectively influence Canada's political and social systems.
- VC-002 Value their democratic responsibilities and rights.

Learning Experience 9.2.5: Democratic Ideals in Canada

- VC-001 Appreciate democratic ideals in Canadian society.

Learning Experience 9.2.4: Citizen Participation

- KC-013 Describe their responsibilities and rights as citizens of Canada and the world.
- VP-015 Be willing to exercise their responsibilities and rights as citizens living in a democracy.

GRADE 12 CURRICULUM CONNECTIONS

Global Issues: Citizenship and Sustainability – "Active Democratic Citizenship" core concept and "Take Action" community-based projects

Law – Module 1 Fundamentals of Law learning experiences

FREEDOM OF INFORMATION LEGISLATION

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)

Manitoba has had FOI legislation since 1988 when the province's first Freedom of Information Act came into effect. It was replaced by the Freedom of Information and Protection of Privacy Act (FIPPA) in 1998. The first law focused only on access to information. The current law (FIPPA) focuses on access to information and protection of privacy.

FIPPA allows people to request documentation and other recorded information from public-sector bodies such as provincial government departments, school divisions, universities, hospitals and municipalities. Examples of records are letters, emails, memos, reports, notes, blueprints, financial transaction records, photographs and audiovisual materials, whether stored in hard copy or electronic format.

Access is the rule. However, there are circumstances in which a public body is allowed to withhold information or can choose to withhold the requested information. When information is withheld, the public body must tell a person why it is doing so and refer to the specific provision in FIPPA on which its decision is based. It is possible that part of a record will be released, and part will be withheld (sometimes by blacking out or severing the record).

FIPPA gives people the right to complain to Manitoba Ombudsman about not getting access to the information requested or about how a FIPPA request for information was handled. For example, a complaint can be made that:

- a response to a FIPPA request for information was not received within 30 days (the time limit set in FIPPA)
- the proposed fee for the information is too high (FIPPA allows the public body to produce a fee estimate for search, preparation and copying)
- access to all or some of the requested information was not provided

In addition to establishing the right of access to government-held information, FIPPA also requires public bodies to protect the privacy of personal information that it holds. People can make a complaint to the ombudsman that a public body:

- should not have gathered his or her personal information
- used his or her personal information for an unauthorized purpose
- shared his or her personal information with some other person or organization inappropriately

For more information about FIPPA, see Manitoba Ombudsman's publication *User's Guide to FIPPA* at: <https://www.ombudsman.mb.ca/uploads/document/files/fippa-guide-2018-web-en.pdf>

PERSONAL HEALTH INFORMATION ACT (PHIA)

Manitoba's Personal Health Information Act (PHIA) came into effect in 1997. PHIA gives people the right to:

- see and get a copy of their personal health information
- request a correction to personal health information that they think is inaccurate or incomplete
- name another person, such as a family member, to access personal health information on their behalf

PHIA gives people the right to complain to the ombudsman if:

- the trustee holding their personal health information did not respond to their request
- the trustee refuses their request to see the information or to correct the information
- the trustee charges an unreasonable or unauthorized fee

As well, people may complain to the ombudsman if they have a concern about the privacy of their personal health information. For more information on PHIA, see *Health Information Access and Privacy: A Guide to the Personal Health Information Act* at: <https://www.ombudsman.mb.ca/uploads/document/files/phia-guide-en.pdf>

ACCESS TO INFORMATION ACT

The Office of the Information Commissioner of Canada was established under the Access to Information Act – Canada's freedom of information legislation that came into effect in 1983. The act provides a right of access to information in records under the control of a federal government institution. For more information about the OIC, visit: <http://www.oic-ci.gc.ca/eng/>