

# MANITOBA OMBUDSNEWS

2010-4



Ombudsman, Access and Privacy Newsletter

## eCHART Manitoba and Your Privacy

Manitoba eChart, part of Manitoba's electronic health record (EHR) system that continues to be built, is a means of connecting authorized health care providers with certain health information of an individual. The first phase of eChart Manitoba went live in the week of December 6, 2010, at Centre Albert-Galliot Medical Clinic in Notre Dame de Lourdes, Notre Dame de Lourdes Hospital Emergency Department, and Kildonan Medical Centre in Winnipeg.



On December 6, 2010, the Ombudsman issued a 10-point fact sheet that sets out information relevant to all Manitobans, including basic information on eChart Manitoba and how individuals can exercise their access and privacy rights by requesting a disclosure directive, a record of user activity of eChart, and access to their own personal information in eChart. The fact sheet is reproduced below.

### A NEW CHAPTER BEGINS!

1. In the week of December 6, 2010, the first phase of an important part of Manitoba's electronic health record (EHR) system is planned to go live at a limited number of health care locations.
  2. This part of Manitoba's EHR system is called eChart Manitoba.
  3. Once fully implemented, eChart Manitoba will provide a lifetime record of an individual's key health history, available electronically to authorized health care providers (users) anytime, anywhere in Manitoba. eChart Manitoba will bring together patient information collected at different points of care in Manitoba, for example, pharmacies, clinics and labs.
  4. eChart Manitoba has been developed and is being maintained by Manitoba eHealth on behalf of the Manitoba Government. Accountability for eChart Manitoba rests with the Winnipeg Regional Health Authority (WRHA). Manitoba eHealth has posted information about eChart Manitoba at: <http://www.connectedcare.ca/echartmanitoba/index.html>
  5. As each health care location starts to use eChart Manitoba, they will be listed on the above website. Information will be available about eChart Manitoba at the locations where eChart is being used.
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### MANITOBANS' INFORMATION NOW IN eCHART

6. Regardless of whether a person is a patient at a location where eChart is being used, the following personal health information about all Manitobans will be in eChart as of the week of December 6, 2010:

- 1) demographic information - name; date of birth; gender; age; home address; home and work telephone number; Personal Health Identification Number (PHIN); family registration number; and medical record numbers;
- 2) prescriptions dispensed through retail pharmacies in Manitoba, including historical data since April 2010;
- 3) all immunization information, including historical data on child immunizations since 1980 and on adult immunizations since 2000; and
- 4) laboratory test information from a limited number of laboratories as of the week of December 6, 2010.

7. To be able to use eChart Manitoba, a health care provider must be authorized by the appropriate manager or administrator in the health care site where they work. A user will be granted one of 4 possible user roles, based on the information they need to do their jobs:

- 1) demographic view only - for example, a registration clerk;
- 2) as above plus a limited clinical view - for example, just lab data if that is all the information the user needs to do his or her job;
- 3) as above plus a clinical view - all clinical data, which, in time, will potentially be available to all health professionals belonging to Manitoba's 22 regulated health professions; and
- 4) as above plus the ability to exercise an override (see #8) -- this would apply to certain regulated health professionals only, such as physicians, nurse practitioners and midwives.

### AN INDIVIDUAL CAN REQUEST A DISCLOSURE DIRECTIVE (MASKING)

8. Individuals cannot "opt out" of having their personal health information in eChart Manitoba. However, an individual may choose to hide all of his or her personal health information in eChart. This is called "masking".

To mask personal health information in eChart Manitoba, an individual may request a "disclosure directive" which will hide all of the individual's personal

health information (except demographic information) from the view of all users. In special circumstances, a health care provider could "override" a disclosure directive and see the information for a limited time to provide specific health care, for example with the individual's consent, or in an emergency when the individual is unable to communicate.

Masking is available to an individual even if he or she is not a patient at one of the limited number of health care locations (as of December) using eChart. A form for requesting a disclosure directive is available at <http://www.connectedcare.ca/echartmanitoba/index.html> or by contacting eChart Manitoba Services:

- Telephone: 1-855-203-4528
- Fax: (204) 926-9148
- email: [echartmanitoba@Manitoba-ehealth.ca](mailto:echartmanitoba@Manitoba-ehealth.ca)

### AN INDIVIDUAL CAN REQUEST A RECORD OF USER ACTIVITY OF eCHART

9. The system does not have the technical ability to limit the user to viewing or using only his or her patient's personal health information. Potentially, a user could view or use information (at the level available to him or her) of any Manitoban. However, user agreements and governance policies will be required in each site by which users will agree to limit their use to only the information needed to perform their functions.

Every use of eChart Manitoba is being recorded and Manitoba eHealth is auditing particular patterns of user activity. Manitoba eHealth will also conduct random audits of use.

An individual can file a form requesting a record of user activity to see who has viewed his or her information in eChart Manitoba and when. [To obtain a form, see the eChart Manitoba website or contact information under #8.](#)

### AN INDIVIDUAL CAN REQUEST ACCESS TO HIS/HER INFORMATION IN eCHART

10. An individual can file a form requesting access to his or her personal health information in eChart Manitoba. [To obtain a form, see the eChart Manitoba website or contact information under #8.](#)

**If there are any concerns or complaints, individuals should contact Manitoba Ombudsman at: (204) 982-9130 (Winnipeg) or 1-800-665-0531 (toll free in Manitoba)**



## Right to Know: Grace-Pépin Access to Information Award

The Information Commissioner of Canada, in collaboration with provincial and territorial information commissioners, announced the creation of the Grace-Pépin Access to Information Award on September 29 during Right to Know Week 2010. The award will be presented for the first time during the next Right to Know Week, September 26 to 30, 2011.

The award was named in honour of John Grace, former Information Commissioner of Canada, and Marcel Pépin, president and founder of the Commission d'accès à

l'information du Québec. It will recognize the efforts of an individual, group or organization that contributes in a significant way to promoting and supporting the principles of transparency, accountability and the public's right to access information held by public institutions.

For a nomination form and more information about the award, please see [www.ombudsman.mb.ca/GracePepinAward.htm](http://www.ombudsman.mb.ca/GracePepinAward.htm). Nominations must be received by May 1, 2011.

## Province and Six Cities Proclaim Right to Know



Every year, we ask Manitoba's Premier and the mayors of all nine cities in Manitoba to proclaim Right to Know Week in their jurisdictions, publicly demonstrating their commitment to upholding an individual's right of access to government-held information. This year, the province of Manitoba along with the cities of Brandon, Dauphin, Flin Flon, Portage la Prairie, Selkirk, and Thompson issued proclamations.



*Ombudsman Irene Hamilton visited with former Brandon Mayor Dave Burgess for the signing of Brandon's Right to Know proclamation.*

## Brandon Friendship Centre Visit

Staff at the Brandon Friendship Centre (BFC) graciously hosted a visit and tour of their program areas for two Ombudsman staff, providing an opportunity for outreach and the sharing of information about our respective services. The connections made during this visit were invaluable given the number of people accessing BFC services who may also have concerns that fall under our office's jurisdiction.

Tours included the main location of the BFC located at 836 Lorne Avenue, as well as the Makhaday Ginew (Ken Norquay) Memorial Centre at 205 College Avenue, which is where the Aboriginal Head Start program is located. Staff also visited the Brandon Aboriginal Youth Activity Centre (BAYAC) on 6<sup>th</sup> Street, and the BFC Adult



Upgrading Program located on Rosser Avenue. The tour concluded by viewing several different sites in central Brandon where BFC housing units are located.

We have plans for future visits to Friendship Centres and organizations in other communities, and we look forward to exchanging ideas.

Our office was also honoured to receive an invitation from the BFC to attend the Sisters in Spirit walk and vigil, held at Brandon's City Hall on October 4. A representative from our Brandon office attended this moving ceremony held to honour missing and murdered Aboriginal, Inuit and Metis women across Canada.

# New Publications

## MANITOBA OMBUDSMAN PRACTICE NOTE

Practice Notes are prepared by Manitoba Ombudsmen and published on the Manitoba Ombudsman website. They are intended as general information and are not a substitute for legal advice. Public bodies receive them for their information only. The Practice Note will provide guidance to public bodies about the considerations that may arise when records responsive to an access request contain personal information of employees.

**EMPLOYEE INFORMATION**

**Introduction**

Public bodies receive them for their information only. The Practice Note will provide guidance to public bodies about the considerations that may arise when records responsive to an access request contain personal information of employees.

**General records containing employee information**

In some cases, an employee's personal information is included in the information being sought because the record is not a document or information prepared by or on behalf of the public body. For example, an employee's business contact information may be included in a letter or a report written by the employee. Or, an employee's address and phone or various work-related matters could be contained in a series of e-mails written by the employee in the course of performing the employee's duties on behalf of the public body.

It is not, generally speaking, the release of this type of personal information itself that is an unreasonable invasion of the employee's privacy or disclosure under section 17 of FIPPA. The information relates to the individual's employment responsibilities as an officer or employee of the public body, and is not out of the performance of those duties.

We note that clause 17(1)(c) of FIPPA provides that it is not an unreasonable invasion of an individual's privacy to release information about an identification, name, rank, title, position, employment responsibilities or hours of employment, if the individual is an officer or employee of a public body, a trustee, or elected or appointed member of a council or a local government body, or a member of the staff of such a local government body. In addition, we note that under the Public Access Compensation Disclosure Act, certain types of information about employees whose annual compensation exceeds \$20,000, is required to be made available to the public.

### Practice Note

Sometimes records requested under *The Freedom of Information and Protection of Privacy Act* (FIPPA) contain personal information that relates to employees of the public body. In our November 2009 issue of *OmbudsNews* we commented on this issue. A new Practice Note titled *Dealing with Access Requests Involving Employee Information* has been published that provides guidance about considerations that may arise when records applicable to an access request contain personal information of employees. The Practice Note is available on our website in both English and French.



### JTHII Coming Very Soon!

*Joining the Herd II: A Collection of Learning Activities Designed to Support the Manitoba Social Studies Curriculum for Grades 6, 9, and 12* is now being translated into French, and will be printed and ready for distribution in January 2011. *JTHII* builds on concepts first introduced in *Joining the Herd: A Handbook on Participating in Manitoba's Government*, released in 2007.

# Upcoming Events

### December 15 and February 16: Brown Bag Talks

**Brown Bag Talks** for Access and Privacy Coordinators and Officers under FIPPA and PHIA are held the 3rd Wednesday of each month at our office from 12:05 - 12:50 p.m. Upcoming talks are scheduled for December 15 and will resume in the new year on February 16. Note that there will not be a talk in January.



### January 26 — March 1, 2011: Regional Seminars for Elected Municipal Officials: "Once Elected What is Expected?"

Beginning January 26, 2011, Local Government will be offering nine regional seminars around the province to familiarize newly elected officials with their roles and responsibilities, as well as expectations and requirements of the position. Manitoba Ombudsman staff will also participate in the sessions, sharing information about the role of our office along with some tips for fair decision making. Registration information will be available soon at [www.amm.mb.ca](http://www.amm.mb.ca)



**Manitoba Ombudsman: Ombudsman and Access and Privacy Divisions**

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