

Manitoba OmbudsNews

2014-1 Ombudsman, Access and Privacy Newsletter

FIPPA

and contracts between public bodies and private businesses

Contracts between public institutions and private businesses are often of considerable interest to the public, who can have questions about costs, the impact of potential changes to the delivery of goods and services, or about how successful bidders have been selected. Business contracts and other related records in the custody and control of public bodies are subject to the right of access under FIPPA, and must be disclosed to an applicant unless an exception to access applies to the record or information in the record. When access is denied, there is a right to complain to our office.

We recently completed an investigation into a complaint about refusal of access to an agreement between the University of Manitoba and Xerox Canada for the provision of managed print services. We found that a lot of the information contained in the contract was already available from public sources, including the U of M and Xerox websites.

The test in this case is whether the release of the information would harm the private company's business interests. The ombudsman could not establish that releasing information such as standard contractual terms or general information about managed print services would be harmful to Xerox's business interests. Our investigation concluded that only detailed cost projections and detailed process descriptions were required to be withheld under FIPPA and we recommended that the University of Manitoba release all of the remaining information in the contract. The university complied with the ombudsman's recommendations.



If you are interested in this issue, our full report with the ombudsman's findings and conclusions is available at:
http://www.ombudsman.mb.ca/documents_and_files/investigation-reports.html
(see case 2013-0024).



2014 conference announced

Planning is underway for the **2014 Manitoba Connections Conference: Access, Privacy, Security and Information Management**, to be held October 6-7 at the Delta Winnipeg. The conference is intended for individuals working within public bodies and trustees across Manitoba, including provincial government departments and agencies, municipal governments, school divisions, universities, colleges, regional health authorities and health care facilities.

Information access, privacy, security and management challenges are intertwined with almost everything that public bodies and trustees do, whether it is general information or personal information governed by *The Freedom of Information and Protection of Privacy Act* (FIPPA) or personal health information governed by *The Personal Health Information Act* (PHIA). By participating in the conference you will:

- improve your knowledge in subject areas of access to information and privacy issues under PHIA and FIPPA, information security and information management,
- learn about the interconnectedness of the disciplines, and
- find practical solutions to help you meet the information challenges within these interconnected disciplines.

Verney Conference Management (VCM) is coordinating the conference planning, along with an advisory committee of representatives from public bodies and trustees. VCM has issued a call for presentations inviting

people to submit proposals for plenary, breakout and workshop presentations relating to any of the following subject areas:

- Access to Information (FIPPA and/or PHIA)
- Privacy of personal or personal health information (FIPPA and/or PHIA)
- Information Security
- Information Management

Conference website:

<http://www.manitobaconnections.ca/>

The official Twitter page of the 2014 Manitoba Connections Conference, brought to you by Verney Conference Management:

https://twitter.com/MB_APSIM

LinkedIn (also brought to you by Verney Conference Management): <http://www.linkedin.com/groups/CDNPS-Connections-Access-Privacy-7450720/about>



All Charities Award

Manitoba Ombudsman received an All Charities Campaign award for 100% staff participation in the 2013 campaign. In addition to 100% staff participation, Manitoba Ombudsman increased its contributions to the campaign by 103% in 2013.

In addition to making contributions by payroll deduction or a one-time payment, Manitoba Ombudsman employees held All Charities lunches and "casual day" events where all proceeds went to the campaign. All Charities supports thousands of charities in Manitoba and across Canada. In 2013, the campaign raised more than \$2 million.

L-R: Acting Manitoba Ombudsman Mel Holley, the Honourable Kerri Irvin-Ross, Manitoba Ombudsman employee Ros Gavin



Ombudsman website turns ONE

It's hard to believe that an entire year has passed since we launched our new website. The new website is easier to navigate and provides more information about our core functions, including investigating and reporting on complaints from the public.

The ombudsman website uses Google Analytics to collect information about how visitors use the site, which has generated some interesting information for us. More information about our use of Google Analytics is available on the "privacy and site policy" page of our website.

In the first year, our site had 23,000 visitors, with 65% of those being new visitors. In an average week, most people visit the site on Tuesdays or Wednesdays. Use drops off considerably during the weekend. A typical usage pattern looks like this:



The three busiest days in the first year were:

- December 6, 2013 (when we added 15 new investigation reports about municipalities to our website)
- March 11, 2013 (when we launched our website)
- October 10, 2013 (when we launched our eChart Manitoba brochure and video)

We know that in the first year, the average visitor looked at just over three pages each, spending an average of about three minutes on the site during each visit. About 88% of users access our site from desktop computers, 8% from mobile devices, and 4% via tablets.

People from all over the world access the site. The top 10 Manitoba locations from which people accessed the site:

1. Winnipeg
2. Brandon
3. Steinbach
4. Portage la Prairie
5. Thompson

6. Selkirk
7. Dauphin
8. Winkler
9. Beausejour
10. Swan River

We were pleased to launch two secure online complaint forms – one for complaints under *The Ombudsman Act* and one for disclosures under *The Public Interest Disclosure (Whistleblower Protection) Act*. In the first year, we received 99 complaints and 26 disclosures online, illustrating that many people are comfortable using this method of submitting complaints.

We would like to thank Noblet Design for developing the site and for their continued assistance as required.

We plan to continue to develop our website and will be seeking your input in the coming months. In the

meantime, if you have any comments about our website, please send them to ombudsman@ombudsman.mb.ca and put "website comments" in the subject field.

We also launched our Facebook page in March 2013. Facebook has become an easy way for us to share information about our work, but also a way to share links and other articles that are relevant to the work we do. To complement the website and Facebook page, we added a YouTube channel to provide information in an alternate format about Manitoba Ombudsman and also about specific events and topics of interest. You'll find links to both Facebook and YouTube on our website at www.ombudsman.mb.ca.

Online PHIA toolkit launched

Manitoba Ombudsman participated in a working group with Manitoba eHealth and Manitoba Health to develop a toolkit of resources to assist trustees in meeting their privacy obligations under The Personal Health Information Act (PHIA). The Privacy Toolkit for Health Professionals (<http://www.gov.mb.ca/health/phia/resources.html>) was launched on Manitoba Health's PHIA website under the PHIA Resources and Links tab.

The toolkit contains some resources specific to health professionals, particularly those working with personal health information (PHI) contained electronic records. However, many of the resources are relevant and useful to all trustees.

For example, the toolkit includes PHIA Policy and Procedure Requirements, which outlines the types of policies and procedures required by the act and regulations, such as requirement to establish a written policy and procedure containing provisions for the security of PHI during its collection, use, disclosure, storage, and destruction. It also includes information about the types of policies and procedures that should be established as a best practice, in order to meet specific legislative requirements. An example of this is to develop a policy and procedure regarding auditing

records of user activity to detect breaches, in order to be able to comply with the PHIA requirement to conduct such audits.

The toolkit includes Manitoba Ombudsman practice notes that provide guidance, advice and best practices to help trustees deal with a range of privacy and access issues.

Some of the other resources contained in the toolkit are:

- PHIA PowerPoint orientation
- sample privacy and security policies
- guide to information manager agreements and a sample agreement
- resources for conducting audits and reporting privacy breaches
- sample audit procedure for the record of user activity
- publications for trustees to share with patients/clients, including Manitoba Ombudsman's *Know Your Health Information Rights: eChart Manitoba*

The resources will be updated and expanded over time. If you have developed resources that you would like to share with other trustees, please contact Manitoba Health at PHIAinfo@gov.mb.ca.

Upcoming Events

April 16 and June 18 Brown Bag Talk for access and privacy coordinators and officers. Please consult our website for topic. 12:05 - 12:50 p.m., our office. Call 204-982-9130 for details or to register.

Visit our display tables at the following events to pick up information and talk to ombudsman staff:

- Virden Recruitment and Trades Expo, Tundra Oil & Gas Place, Virden – Friday, April 11 and Saturday, April 12
- Law Day, Law Courts building, Winnipeg – noon-3:30 p.m., Sunday, April 13

Manitoba Ombudsman: Ombudsman and Access and Privacy Divisions

Winnipeg Office
750 - 500 Portage Ave.
Winnipeg, MB R3C 3X1
Phone: 204-982-9130
Fax: 204-942-7803
Toll Free in MB: 1-800-665-0531

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www.ombudsman.mb.ca
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Brandon Office
202- 1011 Rosser Ave.
Brandon, MB R7A 0L5
Phone: 204-571-5151
Fax: 204-571-5157
Toll Free in MB 1-888-543-8230