

# Manitoba OmbudsNews

2016-3 Ombudsman, Whistleblower, Access and Privacy Newsletter

## 2016 Manitoba Connections Conference Highlights

It's a wrap! We hosted the **2016 Manitoba Connections: Access, Privacy, Security and Information Management Conference** on September 27-28, during national Right to Know Week. A big THANK YOU to everyone involved -- the conference advisory committee, Verney Conference Management, the presenters, Manitoba Ombudsman staff, and almost two hundred attendees from provincial and municipal governments, school divisions, universities, colleges and health-care bodies. Everyone contributed enormously to the event's success.

Over the course of the one-and-a-half day conference, participants heard from five plenary speakers and chose from 15 breakout sessions. Three optional half-day workshops were also held on the morning of September 27, which allowed participants to explore topics in-depth.



**Ry Moran**, director of the National Centre for Truth and Reconciliation at the University of Manitoba, opened the conference by speaking about the unique access to information and protection of privacy challenges (and opportunities) posed by the centre's extremely important collection of records. The centre is home to materials on the history and impact of the residential school system, including materials from the Truth and Reconciliation Commission of Canada, the Government of Canada, survivors and churches.

These records were collected to give survivors and their families access to information about their own history, to encourage a deeper understanding of the relationship that exists between indigenous and non-indigenous peoples through education and outreach, and to ensure that researchers and the public can access historical records and other materials to help foster reconciliation and healing. Ry highlighted some of the

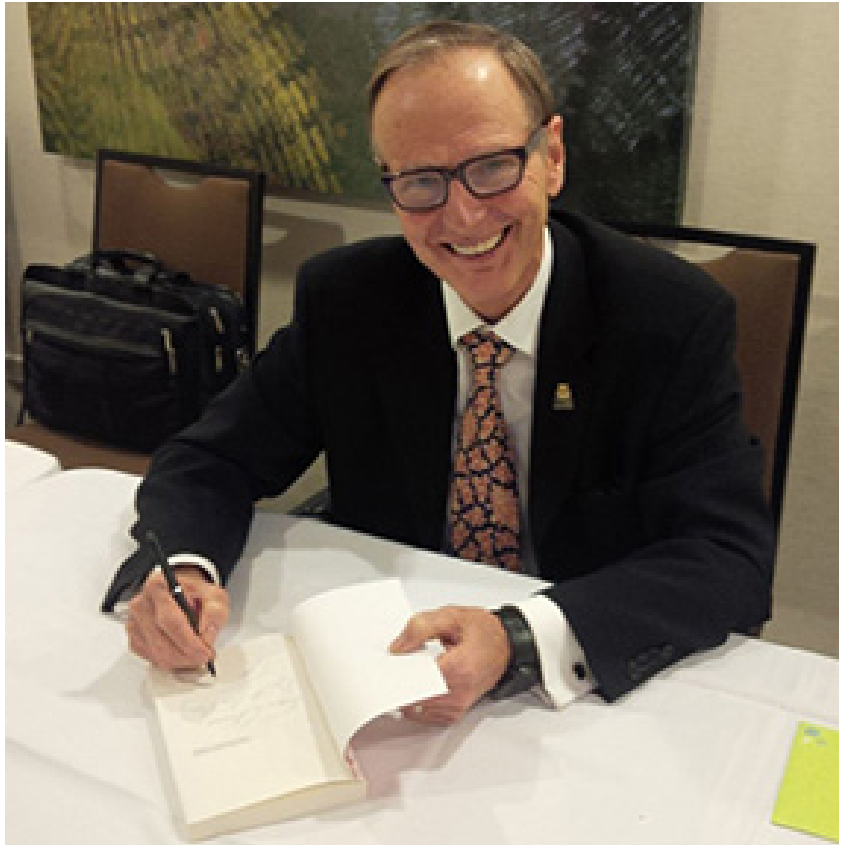
challenges in balancing access to information and privacy, both in terms of providing survivors with their own information while respecting the privacy of others whose personal information is contained in the records, and also in addressing privacy concerns in records available to the public.

For more information on the National Centre for Truth and Reconciliation, visit: <http://umanitoba.ca/nctr/>

## Conference highlights

**Thomas (Tom) Keenan**, University of Calgary professor and author of *TechnoCreep: the surrender of privacy and the capitalization of intimacy*, introduced the audience to privacy-eroding and life-invading technologies, coming at us from corporations, governments, and the person next door. Thinking about sending DNA off to Ancestry.com for some “genetic genealogy”? Tom suggested we think again – our genetic information could be used against us. Going to a Disney theme park? Their “MagicBand” will alert Minnie Mouse that you’re on the way and she’ll know your kid’s name when you approach her.

Tom spoke about the creepy side of technology and the privacy



Thomas Keenan



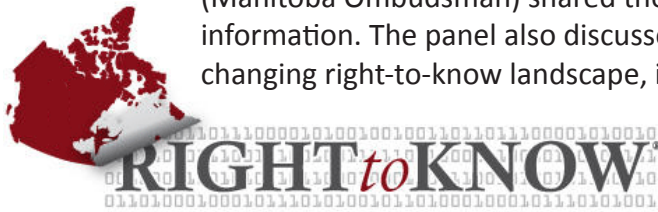
Paul Thomas and Charlene Paquin

risks associated with the use of various devices such as activity trackers, smart toys that listen to your child’s conversations, and other products that gather and store vast amounts of personal information. His numerous stories reminded us that our privacy is continually at risk, often from tools and technologies that initially seem harmless and fun.

Conference attendees kicked off international Right to Know Day with a panel discussion called *Open Government and the Public’s Right to Know*. Right to Know Day celebrates the democratic right of access to information held by public bodies and promotes open and accountable government.

## Conference highlights

Moderator **Paul Thomas** (University of Manitoba) and panelists **Steve Lambert** (Canadian Press), **Konrad Krahn** (City of Winnipeg), **Mike Baudic** (Manitoba Sport, Culture and Heritage) and **Nancy Love** (Manitoba Ombudsman) shared their experiences and perspectives on access to information. The panel also discussed the challenges and opportunities resulting from the changing right-to-know landscape, i.e. the evolution from making access to information requests (pulling information from public bodies) to more proactive disclosure and open data (pushing information out to the public).



**Jeanette Abbott**, manager of quality improvement and the privacy and access officer in the Heartland Health Region in Saskatchewan, has been up close and personal to electronic health information breaches. In *Anatomy of a Privacy Breach*, Jeanette shared her experience investigating and responding to these breaches. One of the breaches was detected after an employee reported her suspicion that a co-worker had inappropriately accessed her personal health information and an audit revealed the co-worker had snooped in approximately 3,000 records, many of which related to staff of the region. In the second breach Jeanette

discussed, an employee had snooped in over 900 patient charts over a 14 month period. Jeanette shared feedback about the impact of the breaches on individuals, many of whom felt violated, vulnerable and distrustful of the health-care system.

In addition to having clear policies and procedures for staff, Jeanette noted the importance of ensuring that staff receive privacy training and ongoing reminders that keep privacy in the forefront, and that the consequences of a breach are made clear to staff.

**Rick Klumpenhouwer**, partner at Cenera in Calgary, shared some recent investigation findings from information and privacy commissioners in BC, Alberta and elsewhere. The investigations touched on the topics of the duty to document, transitory records, records capture, records scheduling, custody and control, and digital continuity. Rick's presentation illustrated how transparency and access to information are dependent on the quality of records and recordkeeping policies and processes.

Rick discussed some cases involving improper destruction of records, including the deletion of emails outlining advice about decisions and government policy development. This highlighted that record retention schedules have not kept pace with the increasing use of electronic records, leaving electronic records largely outside of the record scheduling system. These cases also underscored the importance of ensuring that policies regarding transitory records are clear to enable the destruction of unnecessary records and to prevent misuse so that important records are preserved.

*Couldn't make it to the conference?*

**For a complete list of sessions and presenters, please visit the conference website at [www.manitobaconnections.com](http://www.manitobaconnections.com)**

## New and revised FIPPA practice notes

You'll find over 50 practice notes that have been developed to assist public bodies and trustees with using FIPPA and PHIA on the access and privacy part of our website.

*Guideline on time frames for processing a FIPPA request* is a new practice note. The time limit for responding to an access request made under FIPPA is within 30 (calendar) days from the date of receiving the request, unless the public body has extended the time limit in accordance with the act. The practice note was developed to help public bodies in processing FIPPA requests within the time limit.

*Documenting access decisions under FIPPA* has been revised. Documenting decisions during the processing of an access request is essential to keep track of and accurately recall the details of how, why and by whom decisions were made about a particular request. The practice note provides best practices to follow and includes guidelines on the standard contents of a FIPPA file.

**FIPPA practice notes can be found on the ombudsman's website at:**  
[https://www.ombudsman.mb.ca/documents\\_and\\_files/practice-notes.html](https://www.ombudsman.mb.ca/documents_and_files/practice-notes.html)

### Upcoming Events

November 16, 2016 and January 18, 2017

Brown Bag Talks for access and privacy coordinators and officers. 12:05 - 12:50 p.m., our office. Call 204-982-9130 for details or to register. Topics TBD.

January 28, 2017

Data Privacy Day

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