

Manitoba Ombuds News

2018-2 Ombudsman, Whistleblower, Access and Privacy Newsletter

Collection of learning activities for teachers and students

If you're a teacher or you know a teacher, you might be interested in our growing web-based collection of learning activities. The collection is divided into four themes:

- government and the ombudsman
- fair decision making
- access to information
- information privacy

The activities are designed to support the Manitoba curriculum for social studies in grades six and nine, and also fit well with grade 12 law and global issues.

Just in time for back-to-school, we've added three new privacy lessons to the collection. The three lessons were developed by MediaSmarts for the Office of the Privacy Commissioner of Canada and provincial/territorial privacy protection authorities, including Manitoba Ombudsman:

The language of FAIRNESS

That's not fair! What do we mean when we think something isn't fair? Understanding fairness means when we think something is fair, we understand the process or the steps of the decision itself or (3) how...

Ready, set...participate! Plan a Data Privacy Day event

DATA PRIVACY DAY JAN 28

INFORMATION IS EMPOWERING Exercise your right to know

Information helps us to:

- Make good decisions
- Engage with each other
- Build knowledge
- Create an informed community
- Connect globally

What else does information help us do?

Why exercise your right to obtain government-held information?

- To find out more information about government plans and priorities
- To gain a better understanding of issues that are of particular interest or concern to you
- To actively participate in the democratic process
- To help make government accountable to its citizens

Think of a specific example where it would be helpful for you to have information from government.

FIPPA Manitoba's Freedom of Information and Protection of Privacy Act (FIPPA) allows people to request documents and other records from public-sector organizations such as provincial government departments, school divisions, universities, hospitals and municipalities. FIPPA gives people the right to complain to Manitoba Ombudsman about not getting access to requested information or about how the request for information was handled.

Know the Deal: The Value of Privacy (grades 6-8) – Privacy is a fundamental human right and personal information is valuable. The lesson focuses on the economics of personal information and that most “free” apps and online services make some or all of their revenue by collecting (and in some cases reselling) users’ personal information.

Getting the Toothpaste Back into the Tube: A Lesson on Online Information (grades 6-8) – Getting rid of personal information online is like getting toothpaste back into a tube. The lesson reminds students that online information is permanent, can be copied, can be seen by unintended and potentially much larger audiences, and is searchable.

Privacy Rights of Children and Teens (grades 9-12) – Students learn ways to find out what personal information may or has been collected by platforms that they use, how to limit data collection about themselves, and the various forms of recourse that are available to them if they feel an organization is not respecting their rights.

You'll find the entire collection of activities in the “Teachers and Students” section of our website:
www.ombudsman.mb.ca/info/teachers-and-students.html

Canadian Council of Parliamentary Ombudsman meeting

It was our pleasure to host the annual Canadian Council of Parliamentary Ombudsman meeting in Winnipeg, June 11-13, 2018! CCPO meetings give provincial and territorial ombudspersons the chance to share accomplishments and discuss areas of common interest.



L-R: Diane McLeod-McKay (Yukon), Jay Chalke (British Columbia), Marianne Ryan (Alberta), Mary McFadyen (Saskatchewan), Charlene Paquin (Manitoba), Paul Dubé (Ontario), Marie Rinfret (Quebec), Charles Murray (New Brunswick), William A. Smith (Nova Scotia), Barry Fleming (Newfoundland and Labrador)

Longer extensions under FIPPA

In certain circumstances, a public body may extend the time limit for responding to a FIPPA access request for an additional 30 days, with permission from the ombudsman. To make the process of requesting permission from our office easier, we've developed some new resources:

- a website form to request a longer extension, which can be filled out and submitted online
- a fillable pdf form, which can be attached to an email or printed and faxed
- a revised practice note, *Making a Submission to the Ombudsman for an Extension Longer Than 30 Days Under FIPPA*

You'll find these resources on our "Longer Extensions Under FIPPA" web page at:

www.ombudsman.mb.ca/info/longer-extensions-under-fippa.html

Want to learn more about longer extensions and our new resources? Sign up for our Brown Bag Talk from 12:05-12:55 p.m. on Wednesday, September 19, 2018.

Brown Bag Talks are informal discussions of issues of interest led by Manitoba Ombudsman staff with participation by access and privacy coordinators and officers. Talks are held in the boardroom of our Winnipeg office and participants can also join by phone. **Call 204-982-9130 or toll-free 1-800-665-0531 for details or to register.**

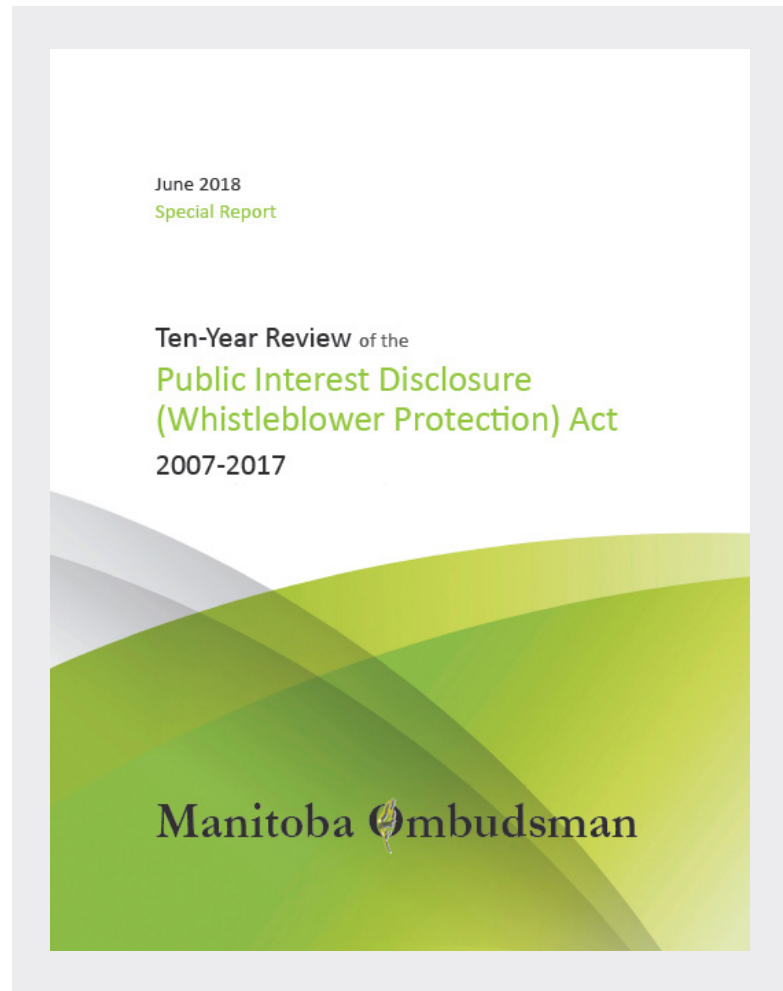
Special report: Ten-Year Review of PIDA 2007-2017

If you've ever wondered what the Public Interest Disclosure (Whistleblower Protection) Act (PIDA) is all about, you'll want to read our recent special report.

In general terms, PIDA sets out how public servants and the public can make disclosures about any wrongdoing they believe is occurring or has occurred in the public sector organizations to which PIDA applies. A wrongdoing can be a very serious act or omission that is an offence under another law, an act that creates a specific and substantial danger to the life, health or safety of persons or the environment, or gross mismanagement, including the mismanagement of public funds or government property.

"With the 10-year anniversary and changes to the act, the timing was right to share more information with Manitobans."

Charlene Paquin



The report provides information about PIDA and the ombudsman's responsibilities under the act. It includes statistics and highlights some trends and themes that we've observed over the past 10 years. Recent changes to the act are also discussed.

The report is available at:

www.ombudsman.mb.ca/uploads/document/files/pida-ten-year-review-en.pdf

COMING THIS FALL – Survey about our access and privacy outreach activities and presentations

Outreach activities and presentations relating to FIPPA and PHIA are important in fostering common understandings with access and privacy personnel in public bodies and trustees, and promoting compliance with the acts. We will be conducting a survey this fall to obtain input from public bodies and trustees to help us target our outreach activities and presentations in the most effective way.

New FIPPA investigation reports posted on website

Case 2017-0471 – An individual complained about an unreasonable fee estimate for access to copies of agendas and minutes related to a rural municipality committee. Under the Municipal Act, minutes of council and council committees are records that the municipality must provide access to, on request. The RM, however, was of the view that because the committee was ad hoc, its records were not subject to the requirements of the Municipal Act. Our office found that the records (meeting notes, etc.), while not in the prescribed form, appeared to be of the type that should be available to the public. As a result, FIPPA would not apply to the information requested by the complainant and the Estimate of Costs issued by the RM would not be applicable. The RM decided to give the complainant access to the records without charging a fee. The complaint was resolved.

Case 2018-0098 – An individual complained about Manitoba Hydro's refusal of access to briefing and advisory notes about parental leave and EI benefits, on the basis that all information contained in the responsive record was subject to solicitor-client privilege. Manitoba Hydro asserted in writing that the record in question satisfies all criteria for solicitor-client privilege described in *Solosky v. R.* and this, together with the description of the record provided by Hydro, was sufficient for our office to conclude that the responsive record was subject to the stated exception. The complaint was not supported.

Case 2018-0077 – A complainant believed that the online posting of disciplinary decisions by the Insurance Council of Manitoba (Manitoba Finance) was not authorized under FIPPA. During our investigation, the ICM proposed changes to its policies and procedures, which would allow it to comply with FIPPA while fulfilling its mandates to enforce standards for the profession and to initiate programs for consumer protection. Our office considered the suggested revisions to ICM's policies and processes to be a reasonable balance between the requirements of FIPPA and the mandate and responsibilities of the ICM, as well as a reasonable exercise of the ICM's discretion relating to publication of its disciplinary decisions under the Insurance Council Regulation. The complaint was resolved.

www.ombudsman.mb.ca/documents_and_files/investigation-reports.html

Upcoming events

- | | |
|-----------------------|--|
| September 19, 2018 | Manitoba Ombudsman Brown Bag Talk: Requesting a Longer Extension under FIPPA |
| September 24-30, 2018 | Right to Know Week (Canada) |
| September 28, 2018 | International Right to Know Day |
| November 1-2, 2018 | 2018 Manitoba Connections: Access, Privacy, Security and Information Management Conference, Radisson Hotel, Winnipeg. Hosted by Verney Conference Management. manitobaconnections.ca/mb2018 |

Ce bulletin est disponible en français

To subscribe to Manitoba OmbudsNews or be removed from our distribution list please send your email address to Ideandrade@ombudsman.mb.ca

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

www.ombudsman.mb.ca
ombudsman@ombudsman.mb.ca
Facebook: www.facebook.com/manitobaombudsman

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