

Ombudsman oversight: promoting Accountability, Best Practices, and Statutory Compliance

No one likes to have their decisions and actions questioned, but by the same token, everyone has the right to question decisions affecting them, whether they voice their concerns directly to their municipality or to the Ombudsman's Office as an independent and impartial review body.

The Ombudsman's Office is perhaps best known for investigating complaints about information and privacy matters under *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*, and about government actions and decisions that are perceived as 'unfair' under *The Ombudsman Act*. In 2009, the office received 79 new complaints about municipalities under FIPPA, and 38 new complaints about municipalities under *The Ombudsman Act*.

Regardless of the nature of the complaint, the investigative process provides the office with a view into how different municipalities work. On a case by case basis, Ombudsman investigations of municipalities open the door to promoting the principles of openness, accountability, and compliance.

While responding to complaints from the public is one of the office's primary roles, in the office's view, proactively working with municipalities outside of the complaints investigation process to promote best practices and better decision making is equally important. In this regard, the office has developed workshops and publications to assist municipalities. With over 40 years of government oversight experience, the Ombudsman's office has gained considerable insight into best practices when it comes to fair decision making and access and privacy practices.

FIPPA information sessions

The office is participating in the delivery of introductory sessions to local public bodies, including municipal governments, about *The Freedom of Information and Protection of Privacy Act* (FIPPA). The half-day session provides information to assist in responding to access to information requests and in protecting personal information under FIPPA. A representative from the Information and Privacy Policy Secretariat (Manitoba Culture, Heritage and Tourism) will discuss the main concepts of freedom of information, including the right of access, the application process, applying exceptions to disclosure, and key definitions. The principles of privacy protection and obligations under FIPPA will also be explored. A representative from the Ombudsman's office will discuss the types of matters the office can investigate under FIPPA, the responsibilities of a public body during an investigation, the Ombudsman's proactive role, and resources available to assist in complying with FIPPA.

The first session was offered in June, and the next is scheduled for October 5 in Winnipeg. If interest is high, an additional session may be added. Email **Karen.Meelker@gov.mb.ca** for details or to register.

Fair decision-making

In early 2009, the office produced *Understanding Fairness: a Handbook on Fairness for Municipal Leaders* to promote fairness and make it the standard of practice in municipalities. The 70-page practical guide includes tips and examples


that apply to most kinds of work done by municipal councils and administrative staff. A print version of the guide was initially delivered to all municipalities in 2009. Additional print copies will be available at the AMM convention in November 2010. The guide is also available on the office's website at www.ombudsman.mb.ca in the 'reports and publications' section under the Ombudsman Division.



Other resources

The office's website at www.ombudsman.mb.ca contains a wealth of additional information, including:

- Over 50 'Practice Notes' designed to assist practitioners using FIPPA and PHIA (available in the 'resources' section under the Access and Privacy Division)
- The office's annual reports with summaries of some of the interesting investigations and reviews that are undertaken each year, along with a statistical review of the office's activities.
- *OmbudsNews*, an electronic quarterly newsletter, highlighting the office's activities and new resources.

For more information or to arrange a presentation, contact **Shelley Penziwol**, Communications, Education and Training Coordinator at 982-9135 or toll free in Manitoba 1-800-665-0531. 



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