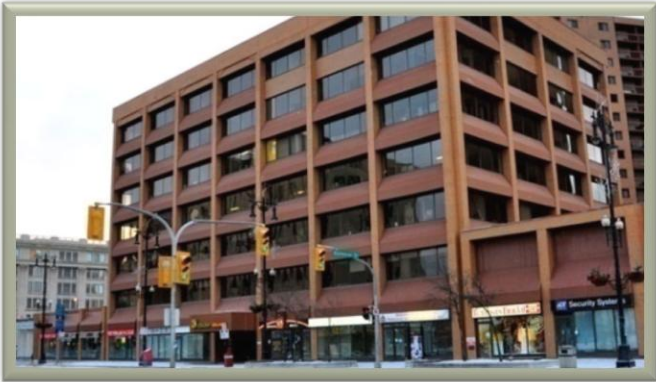


# Manitoba Ombudsman

## Jurisdiction and Practice

Once Elected.....What is Expected?  
Newly Elected Municipal Official Training Seminar 2015

# Offices and staff



An independent office of the Legislative Assembly of Manitoba established in 1970 to support and promote principles of fairness, equity and accountability

Staff of 32, with two divisions:


- Access and Privacy Division
- Ombudsman Division
  - includes dedicated PIDA team
  - Includes child welfare review unit

and two offices:

- Winnipeg – 500 Portage Avenue
- Brandon – 1011 Rosser Avenue

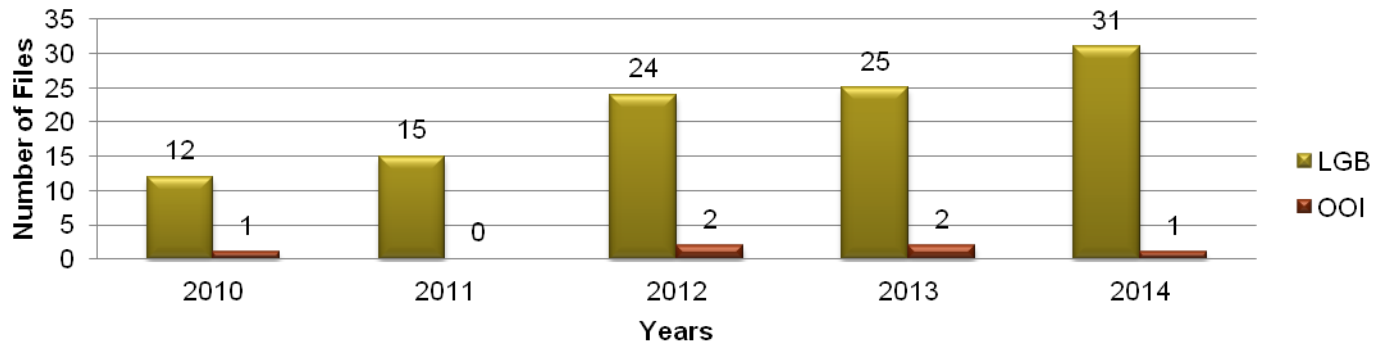
# Ombudsman oversight

The ombudsman has broad powers of investigation established by law under:

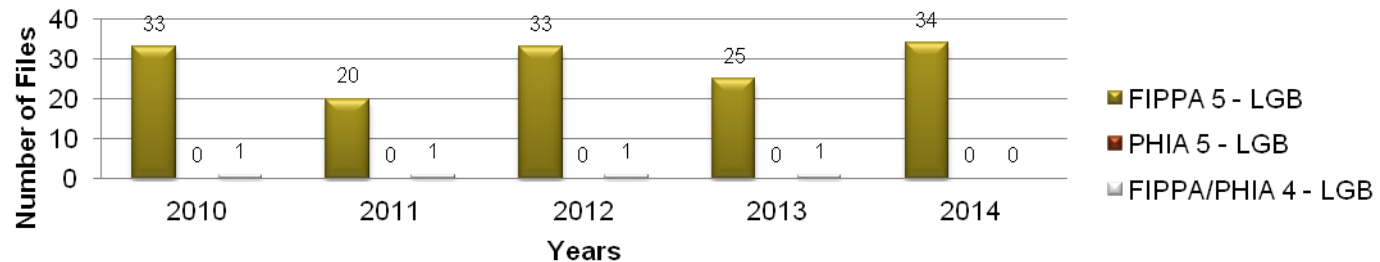
- *The Ombudsman Act* (1970)
  - *The Personal Health Information Act* (1997)
  - *The Freedom of Information and Protection of Privacy Act* (1998)
  - *The Public Interest Disclosure (Whistleblower Protection) Act* (2007) (PIDA does not apply to municipalities)
- 

# Municipal investigations

## Ombudsman Division



## Access & Privacy Division




# The Ombudsman Act

## Investigations

15 The Ombudsman may, on a written complaint or on his own initiative, investigate

(a) ...

(b) any decision or recommendation made, including any recommendation made to a council, or any act done or omitted, relating to a matter of administration in or by any municipality or by any officer or employee of a municipality, whereby any person is or may be aggrieved.



# “Matters of administration”

“The phrase ‘a matter of administration’ encompasses everything done by governmental authorities in the implementation of government policy, regardless of whether the implementation of those policies involves matters of proprietary, commercial or business concern. Only the activities of the legislature and the courts are excluded from the Ombudsman’s scrutiny.”

British Columbia Development Corporation v. Friedmann (Ombudsman)


[1984] 2 S.C.R. 447

Supreme Court of Canada 1984



# In practical terms...

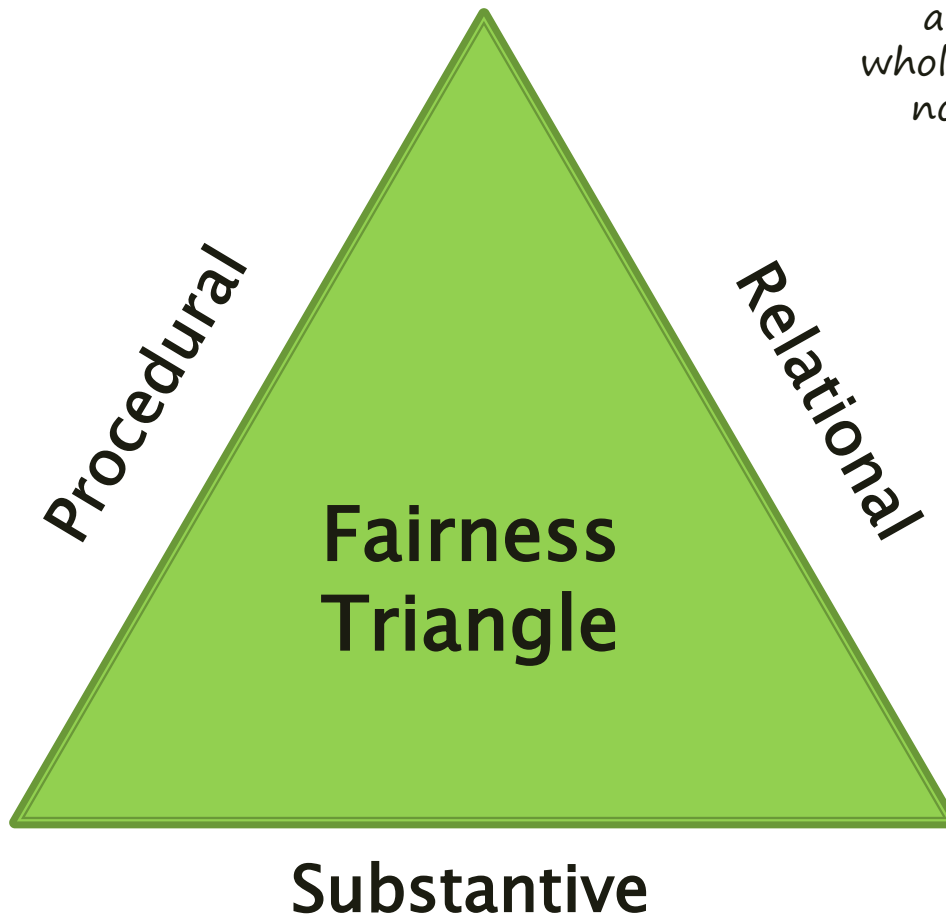
Is there a matter of administration to be investigated?

- A practice, procedure or decision that is inconsistent with or contrary to policy, regulation or statute or by-law.
  - An act, decision or omission that is procedurally, substantively, or relationally unfair.
  - A failure to fulfill a statutory mandate or obligation.
- 



# Fairness defined

*Think of fairness as a concept with three components or parts, such as a triangle with three sides or a tripod with three legs. Each side or leg is an important part of the whole – the structure would not be sound if any piece was missing or broken.*



*If fairness were a triangle, its three sides would be procedural fairness, substantive fairness and relational fairness.*



# Fairness defined, continued...

- **Procedural fairness** relates to how decisions are made – the steps to be followed before, during and after decisions are made;
- **Substantive fairness** relates to the fairness of the decision itself; and
- **Relational fairness** relates to how people are treated during the decision making process and how they feel about the process and the outcome.

*For more details on the three aspects of fairness, see our guide **Understanding Fairness: A Handbook on Fairness for Manitoba Municipal Leaders**.*

# Most complained-about issues

## Most complained-about issues

Local improvement plans for large infrastructure projects (sewer/wastewater/water and others)

Subdivisions

Conditional use decisions

Conflict of interest

Council meeting procedures  
(for example, in-camera meetings)

Development plans


By-law enforcement

Tendering processes

Municipal road and ditch  
maintenance

# A complaint to the ombudsman

Here's what to expect:

- Attempt at informal resolution
  - Written notice
  - Thorough investigation – impartial and courtesy
  - No surprises
  - Goal of improved administration
- 

# Power to investigate

- 30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him
  - (a) to furnish the information to him; and
  - (b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;
- 30(2) The Ombudsman may summon before him and examine on oath
  - (a) any person who is an officer or employee or member of any department, agency of the government or municipality and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;
  - (b) any complainant; and
  - (c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.
- 35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department, agency of the government or municipality and, subject to section 31, carry out therein any investigation within his jurisdiction.


# Findings and conclusions

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

- (a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been
  - i. contrary to law, or
  - ii. unreasonable, or
  - iii. unjust, or
  - iv. oppressive, or
  - v. improperly discriminatory, or
  - vi. in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or
  - vii. based wholly or partly on a mistake of law or fact, or
  - viii. wrong; or
- (b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised
  - i. for an improper purpose, or
  - ii. on irrelevant grounds, or
  - iii. on the taking into account of irrelevant considerations; or
- (c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation; the Ombudsman shall report his opinion and his reasons and may make such recommendations as he thinks fit
- (d) to the appropriate minister and to the department or agency of the government concerned; or
- (e) to the appropriate head of council.

# Power to recommend

**36(2)** Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

- a) that a matter should be referred to the appropriate authority for further consideration; or
  - b) that an omission should be rectified; or
  - c) that a decision should be cancelled or varied; or
  - d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
  - e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
  - f) that reasons should be given for any decision, recommendation, act or omission; or
  - g) that any other steps should be taken.
- 

# Reporting

## **Report considered at closed meeting**

**36(3)** Where the Ombudsman reports to a head of council under clause (1)(e), the head of council shall at the next meeting of council close the meeting to the public in accordance with *The Municipal Act* or *The City of Winnipeg Charter*, as the case may be, and council shall meet as a committee to discuss the report.

## **Notice of proposed steps**

**37(1)** Where the Ombudsman makes a recommendation under section 36, he may request the department, agency of the government or municipality to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

## **Further report on recommendations**

**37(2)** If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department, agency of the government or municipality affected, may report the matter, including a copy of the report containing the recommendations,

- (a) in the case of a report under clause 36(1)(d), to the Lieutenant Governor in Council; and
- (b) in the case of a report under clause 36(1)(e), to the head of council;

and may mention the report in the Ombudsman's next annual report to the Assembly.

## **Comments included in report**

**37(3)** Any report made under subsection (2) shall include any comments made by or on behalf of the department, agency of the government or municipality upon the opinion or recommendation of the Ombudsman.

## **Report tabled at council meeting**

**37(4)** Where the Ombudsman reports to the head of council under clause (2)(b), the head of council shall table the report at the next meeting of council.



# Public reporting

## Publication of reports

- 43 In the public interest, or in the interest of a person, department, agency of the government or municipality, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act.

*"We often say that one of our goals is to help municipal and provincial governments improve administration. Sharing our investigative findings and conclusions can help us achieve that goal."*

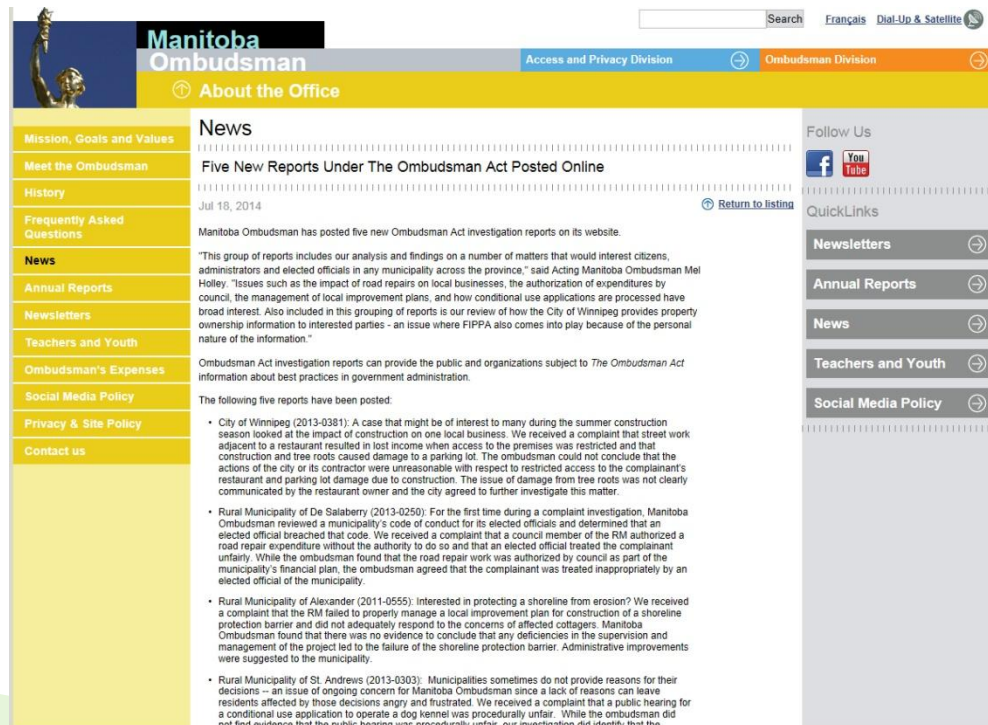
The screenshot displays the Manitoba Ombudsman website. The header includes the logo, navigation links like 'About the Office' and 'Access and Privacy Division', and a search bar. A left sidebar lists various services such as 'The Ombudsman Act', 'Make a Complaint', and 'Municipal Investigation Reports'. The main content area is titled 'Municipal Investigation Reports' and contains a list of reports with details like case numbers, dates, and brief descriptions of the complaints. Each report entry includes a 'Download' button and a PDF icon. A right sidebar features 'Follow Us' links for Facebook and YouTube, and 'QuickLinks' to newsletters, annual reports, news, and social media policies.

# Media interest

## Private investigations

26 Every investigation by the Ombudsman under this Act shall be conducted in private.

A Manitoba Ombudsman news release is issued when reports are posted publicly.

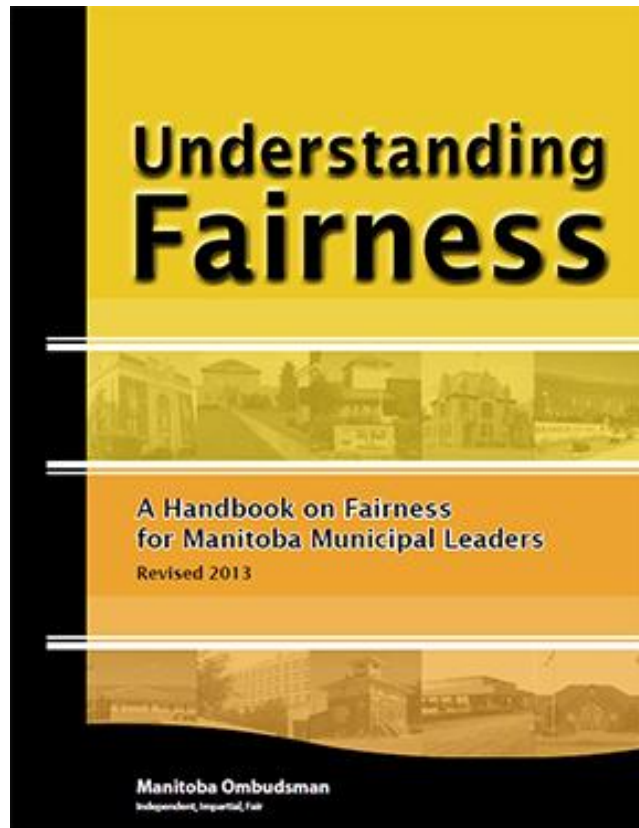


The screenshot shows the Manitoba Ombudsman website. The header includes the Manitoba Ombudsman logo, a search bar, and links for 'Access and Privacy Division' and 'Ombudsman Division'. The main navigation menu on the left lists: Mission, Goals and Values; Meet the Ombudsman; History; Frequently Asked Questions; News; Annual Reports; Newsletters; Teachers and Youth; Ombudsman's Expenses; Social Media Policy; Privacy & Site Policy; and Contact us. The 'News' section is active, displaying the title 'Five New Reports Under The Ombudsman Act Posted Online' dated Jul 18, 2014. The text of the news release states that the Manitoba Ombudsman has posted five new Ombudsman Act investigation reports on its website. It mentions that these reports include analysis and findings on matters of interest to citizens, such as the impact of road repairs on local businesses, the authorization of expenditures by council, the management of local improvement plans, and how conditional use applications are processed. It also notes that the City of Winnipeg provides property ownership information to interested parties, an issue where FIPPA also comes into play. The news release lists the following five reports:

- City of Winnipeg (2013-0381): A case that might be of interest to many during the summer construction season looked at the impact of construction on one local business. We received a complaint that street work adjacent to a restaurant resulted in lost income when access to the premises was restricted and that construction and tree roots caused damage to a parking lot. The ombudsman could not conclude that the actions of the city or its contractor were unreasonable with respect to restricted access to the complainant's restaurant and parking lot damage due to construction. The issue of damage from tree roots was not clearly communicated by the restaurant owner and the city agreed to further investigate this matter.
- Rural Municipality of De Sable (2013-0250): For the first time during a complaint investigation, Manitoba Ombudsman reviewed a municipality's code of conduct for its elected officials and determined that an elected official breached that code. We received a complaint that a council member of the RM authorized a road repair expenditure without the authority to do so and that an elected official treated the complainant unfairly. While the ombudsman found that the road repair work was authorized by council as part of the municipality's financial plan, the ombudsman agreed that the complainant was treated inappropriately by an elected official of the municipality.
- Rural Municipality of Alexander (2011-0555): Interested in protecting a shoreline from erosion? We received a complaint that the RM failed to properly manage a local improvement plan for construction of a shoreline protection barrier and did not adequately respond to the concerns of affected cottagers. Manitoba Ombudsman found that there was no evidence to conclude that any deficiencies in the supervision and management of the project led to the failure of the shoreline protection barrier. Administrative improvements were suggested to the municipality.
- Rural Municipality of St. Andrews (2013-0303): Municipalities sometimes do not provide reasons for their decisions – an issue of ongoing concern for Manitoba Ombudsman since a lack of reasons can leave residents affected by those decisions angry and frustrated. We received a complaint that a public hearing for a conditional use application to operate a dog kennel was procedurally unfair. While the ombudsman did not find evidence that the public hearing was procedurally unfair, our investigation did identify that the

The right sidebar contains 'Follow Us' links for Facebook and YouTube, and a 'QuickLinks' section with links to Newsletters, Annual Reports, News, Teachers and Youth, and Social Media Policy.

# For more information



## Conflict of Interest for Municipalities

### What is conflict of interest?

Simply stated, conflict of interest occurs when the personal interest of a council member conflicts with the public interest and is in the best interest of the entire municipality, or with his or her duty as a public official.

Conflict can arise from pecuniary financial interests, where a council member might benefit financially from a decision or action of council. This could involve using insider information gained in the course of their official duties for financial gain.

or purposefully influencing council to enter into a contract or some other transaction for financial gain.

Conflict, or the perception of conflict, can also occur even when there is no financial interest, such as when a council member is seen to be too close to the parties on one side of a dispute or proposal, or when a council member is seen to be at odds with one of the parties. In any situation where a council member has a personal interest in a matter beyond

the interest that they have in common with other citizens of the municipality, it could be concluded that the interest might influence the exercise of his or her public duties.

In many cases, the appearance or perception of conflict can be as harmful to public confidence as actual conflict. Once a connection between personal interests and public decisions is made, it can be difficult to demonstrate that a decision was not influenced by personal interest.

### Why does conflict of interest matter?

#### Fair decision making

All decision making bodies, including municipal councils, are required to afford procedural fairness to those affected by their decisions (see the side box for standards of procedural fairness).

When making a procedurally fair decision, a decision maker must be impartial or unbiased and without a personal interest in the outcome of a decision. This standard means that when decisions are made by councils, each individual council member must be impartial, unbiased and without a personal interest in the matter under consideration.

If a council member has a personal interest in the matter under consideration by council, and that council member participates in the decision making process, it could be determined that such a decision was made in a procedurally unfair manner or the decision itself was unfair, if substantiated by the courts or the ombudsmen.

Under The Ombudsman Act, Manitoba Ombudsman has the authority to investigate actions or decisions relating to matters of administration made by a municipality, its employees or officers. At the conclusion of such an investigation in which conflict of interest has been alleged, the ombudsman could find that the participation of a council member was sufficiently self-interested or tainted by bias as to render the decision or the process by which it was made unreasonable, biased, oppressive or improperly discriminatory. The ombudsman could also determine that such a decision was contrary to law. If the ombudsman makes any of these findings, the ombudsman can then make recommendations to a municipal council that any decision be cancelled or varied, or that any other steps be taken to remedy the situation.

#### Procedural fairness relates to the process by which a decision is made. At a minimum, procedural fairness requires that:

- persons who will be affected by a decision are given advance notice that a decision will be made
- persons affected by a decision are given the information that will be considered when a decision is made
- persons affected by a decision are given a meaningful opportunity to state or present their case
- persons affected by a decision are given an opportunity to challenge or dispute any information that might be contrary to their position when a decision is being made
- the decision maker be thorough and thoughtfully review all the information provided by persons affected by a decision
- the decision maker be impartial (unbiased and without a personal interest in the outcome of the decision) and open to persuasion
- the decision maker give meaningful reasons for the decision that are understandable to persons affected

## Manitoba Ombudsman

## Public Hearings for Municipalities

A public hearing is a forum in which the public can express their views and opinions on matters that affect them. See below for the circumstances in which formal public hearings must be held. In addition to the requirements set out in law, a municipality may also hold a public hearing for any other matter it chooses.

### A closer look at public hearings

Public hearings generally fall into two types:

Some public hearings occur when council is seeking input from citizens on financial plans, budget matters, local improvements, development plans, and so on. Public hearings of this type tend to be for matters that affect a wide number of citizens, possibly the entire municipality. At these types of public hearings, council might state its position on a certain matter, or present its plans, for the purpose of obtaining public input. After obtaining public input, council will be in a better position to make an informed decision.

A different kind of public hearing occurs when council is sitting in an administrative role and capacity to hear opposing positions of parties related to a specific matter, for example, an application to vary zoning or for a conditional use application. These situations involve the legal rights of specific parties. In situations such as these, council will be making an impartial decision based on the information presented by parties and witnesses at the hearing, and will not state a position but rather render a decision at the end of a hearing process.

Understanding the context of the public hearing is important to ensure that each type of public hearing is conducted fairly.

### Tips for conducting fair public hearings

#### Before the hearing

**Give notice.** Both The Municipal Act and The Planning Act specify when and how notice about a public hearing must be given in certain situations. The Municipal Act specifies, for example, that notice for a public hearing regarding a local improvement plan must be sent to each potential taxpayer 21 days in advance of the hearing. The Planning Act requires that notice to the applicant and any affected parties be given 14 days in advance of a hearing related to a variance, conditional use, application for subdivisions, and other situations.

## Manitoba Ombudsman

Generally, council members conducting a public hearing will hear presentations from individuals and delegations and ask questions about information presented at the hearing, as necessary. Public hearing procedures should guide the process to ensure that a hearing is conducted fairly. Public hearing procedures are typically established in a municipality's procedures by-law.

#### Public hearings must be held under The Municipal Act for:

- Presentation of the annual financial plan of the municipality (subsection 142(2))
- Revisions to the operating budget that increases transfers from surplus and reserves, increases tax revenue, or increases estimates in the capital budget (subsection 142(2))
- Intention to spend from a special purpose reserve for a different purpose (subsection 145(2))
- Proposed to close a municipal road (section 200)
- Proposed for local improvements (special services) (section 318)

#### Public hearings are required under The Planning Act for:

- A proposal to adopt or amend a development plan (section 46)
- A proposal to adopt or amend a zoning by-law (subsection 74(1))
- An application to subdivide property which results in the creation of a new public road (subsection 150(2))
- An application to vary requirements of a zoning by-law (section 96)
- An application for conditional use (section 100)

[www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)

Municipal Issues Series: Fact Sheet 1 (November 2014)

[www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)


Municipal Issues Series: Fact Sheet 2 (November 2014)

Available in print and online  
[www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)

# FIPPA and PHIA


- Manitoba Ombudsman oversees compliance with Manitoba's provincial information access and privacy laws – FIPPA and PHIA.
  - *The Freedom of Information and Protection of Privacy Act* (1998) –provincial, municipal, school divisions, universities, large health care facilities/institutions, etc.
  - *The Personal Health Information Act* (1997) –all of the above plus medical clinics , health professionals, health services agencies etc.
- The ombudsman has the same role in Manitoba as an information and privacy commissioner would have in another jurisdiction.
- The Access and Privacy Division is responsible for investigating complaints and promoting compliance with our provincial legislation.

# FIPPA overview


- FIPPA applies to most records held by or under the control of a public body. A record includes any information that is written, photographed, recorded or stored.
  - Access is the rule, however, there are circumstances in which a public body can withhold information or can choose to withhold information.
  - If you choose to withhold information, you must explain why you are doing so and refer to the specific provision of FIPPA on which your decision is based.
  - A response to an access request must be provided within 30 days, unless the time period for responding is extended for a reason outlined in FIPPA.
  - FIPPA also applies to the collection, use and disclosure of personal information.
- 



# FIPPA complaints

- No response to application in 30 days
  - The extension beyond 30 days is not appropriate
  - Denial of access to all or parts of records
  - Request for correction of personal information was denied
  - Refusal to waive part or all of fees
  - Request was disregarded
  - Personal information was collected, used or disclosed inappropriately
- 


# PHIA overview

- PHIA applies to all recorded personal health information, regardless of format (paper, electronic).
  - PHIA gives a person the right to:
    - See and get a copy of their personal health information with limited exceptions, within certain time frames.
    - Name another person to access personal health information on their behalf.
    - Request a correction to personal health information if inaccurate or incomplete.
  - PHIA also requires that trustees protect the privacy of personal health information.
- 



# PHIA complaints

A complaint can be made to the ombudsman if a trustee of personal health information:

- Did not respond to an access request within the time period required by PHIA
  - Refused access (did not let you see or provide a copy) of personal health information
  - Refused to correct personal health information
  - Collected, used or disclosed personal health information inappropriately
- 

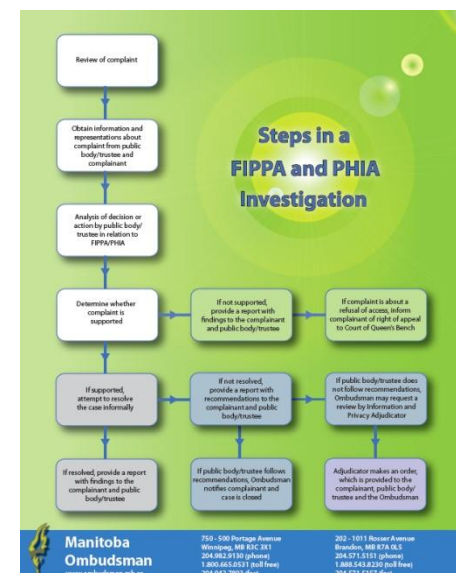
# Complaint investigations

- Broad powers of investigation
- Informal process
- Investigate in private
- Notify public body/trustee of complaint
- Right of complainant and public body/trustee to make representations
- Written report of findings to complainant and public body/trustee
- Power to make recommendations


**WHAT TO EXPECT FROM AN INVESTIGATION BY THE MANITOBA OMBUDSMAN**

*Under The Freedom of Information and Protection of Privacy Act (FIPPA) and The Personal Health Information Act (PHIA)*


- 1 What happens after a complaint is received at the office of the Manitoba Ombudsman?**  
A complaint and any accompanying documents are reviewed to ensure that it is a matter we can investigate. We may contact the complainant if clarification is required. If we can investigate the matter, the complaint is assigned to an investigator who reviews it. The investigator then contacts the complainant and/or sends a letter advising that he/she will make inquiries and investigate the matter. The investigator will provide the public body/trustee with information about the complaint as well as provide the complainant's name and the reasons for the complaint. This is done to allow the public body/trustee to adequately respond to our office during an investigation.
- 2 Does the complainant have the opportunity to provide information about a complaint during the investigation?**  
Both FIPPA and PHIA require that the Ombudsman give the complainant and the public body/trustee an opportunity to make representations to the Ombudsman. This means that both parties can submit information during the investigation in order to explain and/or clarify their positions in the matter.
- 3 Can the complainant receive information provided by the public body/trustee about the complaint?**  
No, FIPPA and PHIA state that no one is entitled to have access to or comment on representations made to our office by another person.
- 4 Can communication between the complainant and the public body/trustee take place during the investigation?**  
Yes, in some circumstances a resolution of the matter can be achieved through this communication.
- 5 What happens during an investigation?**  
We review information relevant to the complaint that has been provided to us by the complainant and the public body/trustee. We may speak to, or meet with any employees of the public body/trustee who may be able to provide any information we require. In an investigation, we determine whether the decision or action of a public body/trustee was in compliance with the requirements set out in FIPPA or PHIA (for example, whether a refusal of access was authorized under the Act or whether a disclosure was permitted under the Act).
- 6 What sort of outcome can be expected from an investigation?**  
If we support a complaint, we take steps to ensure that the Act is followed. Upon completing an investigation, a report containing our findings is prepared and provided to both the complainant and the public body/trustee. The report may also contain recommendations the Ombudsman considers appropriate respecting the complaint.
- 7 How long does an investigation take?**  
FIPPA requires that an investigation be completed and a report made within 90 days after a complaint is made. Under PHIA, the time limit is 45 days for an investigation of an access complaint and 90 days for a privacy complaint. We may extend those time periods by providing a letter to the complainant and public body/trustee, notifying of the appropriate date for providing the report.
- 8 Can the public body/trustee's decision be appealed?**  
If the Ombudsman feels that a complaint relating to the refusal of access to information is unqualified, the report will inform the complainant of the right to appeal the decision to the Court of Queen's Bench.
- 9 What happens if the Ombudsman makes recommendations?**  
If the report contains recommendations, the public body/trustee must, within a certain period of time, send a written response to us indicating whether it accepts the recommendations and, if so, what will be done to implement them. If the recommendations are not accepted, the written response must provide reasons for the refusal.
- 10 What happens if the public body/trustee doesn't follow the recommendations?**  
The Ombudsman may ask the Information and Privacy Adjudicator to review the matter if the recommendations are not followed. A request for a review can only be made by the Ombudsman, and not by the public body/trustee or complainant. Upon completing a review, the Adjudicator makes an order, a copy of which is provided to the public body/trustee, the complainant and the Ombudsman.



# Investigation reports

- An investigation report explaining our findings is provided to both the complainant and the public body/trustee
  - We may find that a complaint is unjustified or not supported
  - If we find that a complaint is justified or supported, we try to resolve it informally
  - The ombudsman may make any recommendations considered appropriate
- 

# Recommendations

- A public body/trustee must respond to the ombudsman's recommendations and indicate:
    - whether it accepts the recommendations, or
    - the reasons why it refuses to take action to implement them.
  - The ombudsman must notify the complainant of the public body or trustee's response to the recommendations.
  - The ombudsman must make the recommendations available to the public and the report with recommendations will be published on our website.
- 

# Information and privacy adjudicator

- Where a public body/trustee has not acted on the recommendations made in an access or privacy complaint, the ombudsman may ask the adjudicator to review the matter.
- The adjudicator has the power to make an order against a public body/trustee.

# Appeals to court

An appeal to court can be made by a person who has been **refused access** to a record or part of a record only if:

- the person has first made a complaint to the ombudsman,
- the ombudsman has provided a report about the complaint, and
- the ombudsman has not asked the adjudicator to review the matter.

An appeal is made to the Manitoba Court of Queen's Bench and is heard as a new matter.



# FIPPA: for more information

Manitoba Ombudsman website: [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)

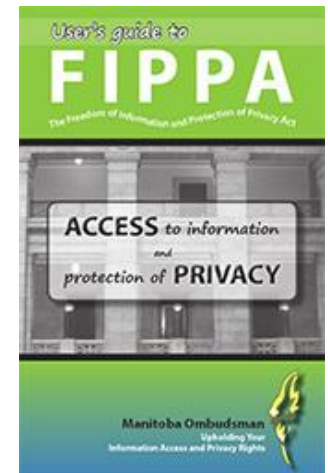
- Practice notes on various access and privacy issues
- Brown bag talks on access and privacy issues
- Investigation reports and reports with recommendations
- Special reports on various investigations and audits
- Annual reports with case summaries and statistics
- *User's Guide to FIPPA*

Information and Privacy Policy Secretariat website:

[www.gov.mb.ca/chc/fippa/](http://www.gov.mb.ca/chc/fippa/)

- *FIPPA Resource Manual*

Watch for a “FIPPA for Local Public Bodies” training session by IPPS and Manitoba Ombudsman, to be held later in 2015.





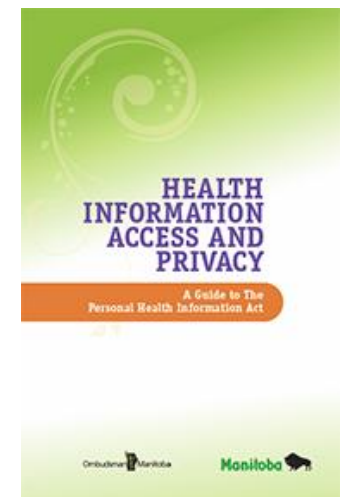
# PHIA: for more information

Manitoba Ombudsman website: [www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)


- Practice notes on various access and privacy issues
- Investigation reports and reports with recommendations
- Annual reports with case summaries and statistics
- *Know Your Health Information Rights: eChart Manitoba*
- *Health Information Access and Privacy: A Guide to The Personal Health Information Act* (co-published with Manitoba Health)

Manitoba Health website: [www.gov.mb.ca/health/phia/](http://www.gov.mb.ca/health/phia/)

Manitoba Health, Healthy Living and Seniors has developed a PHIA Online Training Program. See <http://www.gov.mb.ca/health/phia/training.html> for more details.



# Tips for councils and CAOs

- Dealing with citizen complaints
    - Don't be defensive
    - Get it in writing
    - Delegate administrative responses
    - Respond from a place of fact and policy, not from emotion
    - Refer citizens to Manitoba Ombudsman
  - Responding to access to information requests
    - Pre-emptive proactive disclosure
    - Delegate. This is an administrative function
    - Learn the rules
    - Ask for advice – IPPS, Manitoba Ombudsman
  - Transparent decision making
    - You've got nothing to hide...
    - Don't be afraid
    - Make your life easier through standard procedures and practices
- 

# Contact us

[ombudsman@ombudsman.mb.ca](mailto:ombudsman@ombudsman.mb.ca)

1-800-665-0531 (toll free in Manitoba)

[www.ombudsman.mb.ca](http://www.ombudsman.mb.ca)

[www.facebook.com/manitobaombudsman](https://www.facebook.com/manitobaombudsman)

[www.youtube.com/user/manitobaombudsman](https://www.youtube.com/user/manitobaombudsman)

