

Wednesday, May 2nd, 2007



## Province failing on privacy issues Citizens deserve better protection

**Wed May 2 2007**

***On the Cutting Edge/Brian Bowman***

A headline in Monday's *Winnipeg Free Press* read, "A dumpster full of ID." The story described how hundreds of personal documents, including licence plates, credit card numbers and personal banking information ended up in a city Dumpster over the weekend.

Clearly, there is a serious problem with the management of personal information in Manitoba. We still don't have a provincial privacy commissioner like most other provinces, our ombudsman doesn't have order-making power, our freedom of information and health privacy laws are in desperate need of modernization, and we don't have a business-friendly private sector privacy law like several other provinces have in force.

What is the provincial government doing to help? Well, not much.

The provincial election presents an opportunity to judge the NDP's record on the important issue of privacy and ID theft protection. To be generous, the NDP have failed the grade.

The NDP talks the talk, but doesn't walk the walk when it comes to privacy and ID theft protection. Premier Gary Doer, in particular, epitomizes this problem. It was Doer who promised in 1999 to "establish a (Manitoba) Privacy Commissioner as is the case in other jurisdictions". After nearly a decade in office, Doer has failed to get the job done.

Doer also promised in 1999 to amend The Freedom of Information and Protection of Privacy Act to grant the ombudsman the power to order the release of information from public bodies. Again, Doer has failed to deliver.

But it's not just the NDP leader who talks a good game.

Last year, the NDP's Gord Mackintosh promised that the government would introduce in the fall session changes to provincial legislation to find ways to improve access and privacy laws. According to Mackintosh, some of the changes under consideration include "determining the best way to resolve disputes about access in consultation with the Ombudsman to see if they would be better performed by a separate office or position with enhanced powers." Again, we haven't seen any significant action on the part of the NDP to change the legislation to improve access and privacy laws.

Does the NDP not understand that privacy and ID theft protection issues are important to Manitobans? I don't think so. In fact, the NDP's Greg Selinger has recognized that "identity theft is increasing across the continent. In 2003, about 900,000 Canadians were victims." Yet, the NDP did not support or offer an alternative to the private members bill titled The Personal Information Protection and Identify Theft Prevention Act, when it was debated in the legislature last year.

As you can see, the problem is not so much what the NDP has done, but rather what it has not done.

Manitoba is one of the few provinces in the country to not have a privacy commissioner. The ombudsman can still only "recommend" the release of information held by public bodies. Manitoba's access to information and privacy laws have become outdated. And despite persistent efforts by the legislative opposition, Manitoba still does not have a business-friendly private sector privacy law in force.

Whichever party forms the government on May 22, let's hope they pass the grade when it comes to privacy and ID theft prevention. Manitobans deserve and should demand better.

*Brian Bowman is a business lawyer with the Information & Ideas Group of Pitblado LLP. He can be reached at (204) 956-3520 or [bowman@pitblado.com](mailto:bowman@pitblado.com). The opinions expressed are personal and do not represent those of Pitblado LLP or its clients.*

© 2007 Winnipeg Free Press. All Rights Reserved.