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Ombudsman vital to public's rights But Doer forgets his 1999 promise to appoint a privacy commissioner

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On the cutting edge / Brian Bowman

WHAT is an Ombudsman?

I recently asked this question of some of my friends. One friend responded by saying, "I don't have a clue." Another said, "I have no idea who he/she is." And another friend thought that the Ombudsman had something to do with Oktoberfest and beer drinking.

Manitoba has an Office of the Ombudsman and is well served by our Ombudsman, Irene Hamilton.

Unfortunately, many Manitobans do not know that the Office of the Ombudsman even exists nor are they aware of the powers and responsibilities of the Ombudsman. This needs to change.

The Office of the Ombudsman was created in 1970, the same year that *American Woman* was released by The Guess Who. The purpose in the 1970s, as it is now, was to promote fairness, equity and administrative accountability of Manitoba's government services through the investigation of complaints by an independent and non-partisan Ombudsman.

With the emergence of legislative privacy rights in Manitoba, the responsibilities of the Ombudsman have broadened over the decades to include the role of oversight of Manitoba's privacy laws.

In 1997, The Personal Health Information Act (PHIA) was introduced. PHIA provides access to information and privacy rights to Manitobans with respect to their personal health information collected by certain public and private sector organizations.

In 1998, The Freedom of Information and Protection of Privacy Act (FIPPA) was introduced. FIPPA provides access to information and privacy rights to Manitobans with respect to their personal information collected by Manitoba's government bodies.

For both PHIA and FIPPA, the Ombudsman was given the ongoing task of conducting investigations and audits and to make recommendations to ensure compliance with the laws.

Most other Canadian provinces and territories now have privacy commissioners who are exclusively responsible for privacy compliance oversight. In fact, nine other provinces and territories have a privacy commissioner including all of the other western provinces. In Manitoba, however, the Ombudsman still has a dual role for privacy compliance and administrative accountability of government services.

Back in the 1990s, when PHIA and FIPPA were introduced, Manitoba was a national leader in privacy matters. For example, PHIA was the first such law in Canada when it was introduced. Over the last decade, however, Manitoba has not kept pace with other provinces and territories.

Recognizing the need for reform and the creation of a Manitoba privacy commissioner, Gary Doer promised in 1999 to "establish a [Manitoba] privacy commissioner as is the case in other jurisdictions." After nearly a decade in office and three successive majority governments, Manitobans are entitled to ask why Doer cannot seem to fulfil his promise.

The main reason why Manitobans do not know much about the Ombudsman is because of the title itself. Many simply do not understand what an Ombudsman is nor why one would be responsible for privacy compliance. The concept of a privacy commissioner is easier to understand. In other Canadian provinces, privacy commissioners enjoy a much greater public profile than Manitoba's Ombudsman. This greater profile serves both the interests of individual complainants and organizations seeking to understand their responsibilities for privacy compliance.

Manitoba needs a privacy commissioner. It is time for the Manitoba government to act.

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.