



The Freedom of Information and Protection of Privacy Act



Report on Statutory Review
May 2004





**MINISTER OF
CULTURE, HERITAGE AND TOURISM**

Room 118
Legislative Building
Winnipeg, Manitoba , CANADA
R3C 0V8

The Honourable George Hickes
Speaker of the Legislative Assembly
Province of Manitoba

Mr. Speaker:

In accordance with section 98 of *The Freedom of Information and Protection of Privacy Act* (FIPPA), I am pleased to present this report on the recent review of the operation of the act.

At this time, I want to thank all those individuals and groups who took the time to consider this important legislation and to make thoughtful suggestions in person or in writing. These perspectives will be valuable as my department and Manitoba Health consider all the information gathered during our review processes.

I would also like to express my appreciation to Kerri Irvin-Ross, the MLA for Fort Garry, for her very capable leadership of the public consultation process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Robinson', with a long horizontal line extending to the right.

Honourable Eric Robinson
Minister of Culture, Heritage and Tourism

REPORT ON THE REVIEW OF THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

The review of *The Freedom of Information and Protection of Privacy Act* (FIPPA) was coordinated with the review of *The Personal Health Information Act* (PHIA), which is complementary legislation to FIPPA and deals with the protection and management of personal health information.

The review began last year when preliminary consultations were held with local public body stakeholder groups. Informal meetings were held with groups such as the Manitoba Association of School Trustees and the Manitoba Municipal Administrators Association.

Several steps were taken to make the public aware of the review and provide relevant information. The public phase of the parallel reviews of FIPPA and PHIA was launched on February 9, 2004, with the release of two discussion papers titled ***Tell Us What You Think***.

Both discussion papers were put on the government's web site, along with convenient on-line response forms and background information on the legislation. The most current statistical information on FIPPA was also released for 2003.

In the FIPPA discussion paper a number of questions were raised about Manitobans' experience in using the act. The views of Manitobans were sought on the timelines associated with FIPPA applications and whether departments receiving large numbers of requests or very broad applications should have greater flexibility in addressing these requests. The paper also asked for perspectives on the types of information that should be made more readily available or categories of personal information that should have greater protection. Comments were invited on the current exceptions to access and the uses and disclosures of personal information allowed by FIPPA.

Governments around the world are looking for effective strategies for electronic service delivery and one-stop shop integrated services. Manitobans' perspectives on the benefits of these initiatives and what, if any, concerns they might have respecting privacy were also sought.

In addition to the specific provisions relating to access and privacy, comments were asked for on the complaint process. And finally, the paper asked for feedback on the appropriateness of the current provisions of FIPPA for local public bodies, such as municipalities, school divisions, community colleges, universities and regional health authorities.

The intent was to hear from Manitobans about their experiences with FIPPA and to learn what suggestions they might have for changes to the legislation.

To make sure that the experience of local public bodies was included in our information gathering process, personal invitations were sent to various stakeholder groups to consider how FIPPA had worked over the past five years and to provide suggestions for how it might be amended. More than 375 municipalities, school divisions, regional health authorities and other public bodies that have been under FIPPA since April 2000 were also contacted. They were asked to share their experiences in implementing access to information and privacy protection, and any recommendations that they may have for improving the legislation.

Public hearings were held in Winnipeg, Brandon and Thompson in April and May, 2004. A number of individuals and organizations took advantage of this opportunity to provide input into this legislative review process.

The public hearings in Winnipeg, Brandon and Thompson attracted a total of 85 people. In total, there were 37 written submissions and oral presentations: 16 from individuals, 10 from stakeholder groups and other organizations, and 11 from local public bodies. A list of those who made written submissions and oral presentations is attached.

All submissions and presentations from the stakeholder groups and local public bodies were made available in the Legislative Library. The oral presentations from individuals were also placed in the library, as well as anonymized versions of the written submissions from individuals.

The views of Manitobans gathered in this process will ensure that this legislation continues to meet the needs of Manitobans, making information accessible and protecting personal information.

Participants in the FIPPA Review

Individuals

Peter Boothroyd
Martin Boroditsky
Jim Brandt
George Czmola
Gerard Fontaine
Conway Fraser
Ted Mathers
Geoff McCullough
Mimi Raglan
Blake Taylor
Jayde Shaw
Martin Zelig
4 other individuals made written submissions

Organizations

Canadian Association of Journalists
Canadian Information Processing Society
Insurance Bureau of Canada
Manitoba Access to Information Network
Manitoba Association of School Superintendents, Inc.
Manitoba Association of School Trustees
Manitoba Federation of Labour
Manitoba Teachers Society
Manitoba Wildlands / Canadian Nature Federation
Winnipeg Real Estate Board

Local Public Bodies

Burntwood Regional Health Authority
City of Brandon
City of Dauphin
Metis Child and Family Services Authority
Regional Health Authority – Central Manitoba
Rural Municipality of St. Andrews
St. James-Assiniboia School Division
University of Manitoba
University of Winnipeg
Winnipeg Regional Health Authority
Winnipeg School Division #1