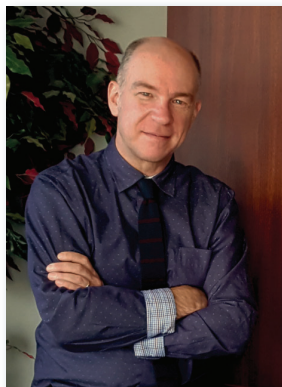


Citizens' Representative Message

With the recent appointment of the new provincial Senior's Advocate, Ms. Susan Walsh, by the House of Assembly, it's good to see that Office return to full form and function after nearly a year with a vacancy in that position. Seniors are now the largest age demographic in the province and it is vital that this role be filled, giving our province's seniors a place to register their concerns for scrutiny and action by the Advocate. Despite the passage of a year with no Advocate, seniors still had the ability to contact the OCR to discuss their complaints with provincial government programs, policies and personnel. In fact, Section 17 of the **Seniors Advocate Act** speaks to the ability of the Advocate to refer matters to the OCR. Section 17 states "where the advocate becomes aware of a matter relating to a senior, the advocate may refer that senior to the Citizens' Representative for investigation of that matter." This allows the Advocate to spend her time on systemic issues and not get lost in the weeds of individual complaints which can be resource intensive and time consuming. We have over 20 years of experience investigating individual complaints and staff are quite knowledgeable in programs that seniors avail of, at both the provincial and federal levels.



Recently, I met with the President of the Newfoundland and Labrador 50+ Federation here in St. John's, Mr. Robert Rogers. As the Federation prepares for its first in-person convention in the fall, this was an opportunity for us to discuss matters of mutual concern and to discuss ways we can heighten awareness of the OCR and its services. Together with our contacts at Seniors NL and the 50+ Federation, we are well placed to help our province's seniors navigate a sometimes complex suite of services offered by the province. If you know a senior who could use our help, feel free to refer them to the OCR, or to the Senior's Advocate. Congratulations to Susan on her appointment and we look forward to working with her.

With things finally opening up in Newfoundland and Labrador, and Come Home Year celebrations on the horizon, I hope you can take the time to get out and enjoy some of the many events offered over the summer.

Bradley Moss

OCR Protection of Privacy

Similar to all public bodies, the OCR operates within the legislative framework of the **Access to Information and Protection of Privacy Act** (ATIPPA). Our Office is often in the possession of sensitive information obtained from both private citizens and the numerous public bodies with whom we interact. This information can be personal, including health information, concerning citizens and possibly third parties and it can be sensitive in relation to public body operations. While the OCR is authorized to share information necessary to satisfy a complaint, we take care to protect information that is sensitive in nature, particularly if it does not serve a clear purpose to share with citizens or other public bodies with whom we interact.



During the daily functions of carrying out OCR inquiries and investigations with public bodies, the OCR is exempt from the normal rules governing the release of documents. With few exceptions, for example cabinet documents or legal opinions, all documents and emails surrounding a complaint must be disclosed by public bodies to OCR investigators upon request. There are penalties, including fines or imprisonment, for misleading or obstructing OCR investigations.

The OCR is also exempt from releasing records connected with its investigatory functions, for example, documents or witness statements under Section 41.(c) of the ATIPPA. A person, including a citizen cannot obtain government documents through this Office, either through an informal or a formal access to information request under the ATIPPA. In a situation where there is a request for government documents, the OCR will refer citizens to make an ATIPP request directly to the respective public body.

While the OCR seriously considers the sharing of information obtained from a citizen or a public body, we are often reminded of the same consideration that is considered by all public bodies. The following case summaries are indicative of the manner in which our Office and other public bodies navigate the protection of confidential and personal information.

Seeking Fairness

A citizen contacted our Office following a suspension of income support benefits, which resulted in cancellation of drug card coverage. Having not been able to renew their medication, the citizen's health had deteriorated. The suspension of benefits resulted from a concern of updating their income support file with a current address while an internal investigation was ongoing. The citizen explained they had been subject to intimate partner violence and was concerned about updating her current address, as there was fear that an ex-partner might obtain the new address

and locate her. With the citizens' consent, our Office liaised with the Income Support Division who ensured that the personal information, such as an address, would not be shared by acknowledging that confidentiality is a constant priority. The Division ensured our Office the intention of the investigation was not to cause hardship, and an emergency drug card was approved for one month while the investigation was ongoing. The citizen subsequently established contact with the Division to have income support benefits, including drug card coverage, reinstated.

Finding Solutions

A family member of an inmate at an adult correctional institution contacted the OCR out of concern for their whereabouts. The family member was aware that the inmate was travelling across the province to make a court appearance; however, efforts to make contact with the inmate were unsuccessful. When making contact with the institution where the inmate was housed, it was indicated that the inmate was not there and when contacting the institution where he would stay temporarily while waiting a court appearance, she was refused information to confirm his whereabouts and therefore, refused telephone contact with him.

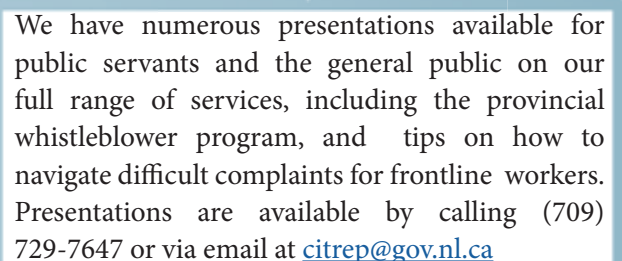
To further complicate a routine transport for an inmate to make a court appearance, this transport occurred simultaneous to the declaration of the COVID-19 global pandemic, with intense levels of uncertainty for all, including citizens and public bodies who were forced to navigate the unknown, while continuing to operate within their mandate.

The family member was encouraged to continue to contact the institution where the inmate was housed to obtain accurate information on the whereabouts and safety of the family member, and to reasonably determine how and when contact could be made. Successful contact

eventually occurred between the family member and the inmate which alleviated the concerns.

The OCR is challenged to efficiently manage inquiries from family members of inmates, mainly due to respect for the privacy of the inmate. Generally, the sharing of information in these circumstances is most appropriately facilitated by adult corrections, especially in situations where the OCR is without consent from the inmate to share information. As a result of OCR inquiries of this nature, Adult Corrections has assigned a manager to be a source of referral to assist family members of inmates who often contact the OCR out of concern for their loved ones.

We Deliver!



We have numerous presentations available for public servants and the general public on our full range of services, including the provincial whistleblower program, and tips on how to navigate difficult complaints for frontline workers. Presentations are available by calling (709) 729-7647 or via email at citrep@gov.nl.ca

Questions / Comments?

Is your department, agency or community group interested in learning more about the OCR, its services and processes? Do you have a suggestion or question to be addressed in a future edition of **OCR Insights**? Call us at 1-800-559-0079 or (709) 729-7647, or e-mail citrep@gov.nl.ca

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