

GRAND VALLEY PUBLIC LIBRARY POLICY

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY AND ELECTRONIC MESSAGES UNDER CASL

Reviewed/Approved: April 11, 2018

Motion: # 7

Chairperson's Signature:

Policy Type: Operational
Policy Title: **Access to Information and Protection of Privacy Policy and
Electronic Messages Under CASL**

Policy Approval Date: June 14, 2017
Last Review/Revision Date: March 2014
Year of next Review: 2018

Policy Objections

To ensure that Grand Valley Public Library (the Library) complies with the spirit, principles and intent of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

To ensure that members of the public have access to information about the operations of the Library and to their own personal information held by the Library in accordance with the provisions of MFIPPA.

To ensure that the privacy of individuals' personal information is protected in compliance with the privacy provisions of MFIPPA.

Underlying Principles/Background

The Library is guided by the values of accountability and integrity in the provision of public service. These values speak to the need for openness, and responsibility in all operations.

The Library's mandate is to provide library services and programs to the community. The continuing rise in Internet use has generated increasing public concerns about privacy and the security of personal information that is provided during on-line transactions. It is essential that the Library maintain the trust and confidence of its users, and continue to encourage their use of its services and programs. The Library recognizes that users' choices about the materials they borrow and websites they visit is a private matter. The Library will therefore make every reasonable effort to ensure that information about its users and their use of library materials, services and programs remains confidential.

The Grand Valley Public Library has also endorsed the Canadian Library Association's Position Statement on Intellectual Freedom. This statement affirms the fundamental right of all Canadians to have access to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts publicly.

Policy Statement

The Grand Valley Public Library Board will make information about the Library available to the public, and protect the privacy of all individuals' personal information in its custody or control in keeping with the access and privacy provisions of MFIPPA and other applicable legislation.

A. Protection of Privacy: Users

Collection and Use of Information:

1. The Library will not collect any personal information about users without obtaining their consent to do so, subject to the exceptions as contained in Section 29(1) of MFIPPA and Sections 4(1) and (2) of the general regulations made under MFIPPA. Personal information that is collected will be limited to what is necessary for the proper administration of the Library and the provision of library services and programs.
2. Personal information will only be used for the stated purpose for which it was collected or for a consistent purpose.

Disclosure of Information

4. The Library will not disclose personal information related to a visitor or library user to any third party without obtaining consent to do so, subject to certain exemptions as provided in section 32 of MFIPPA. Disclosure is permitted in some situations, including the following:
 - The Library will disclose personal information to a parent or guardian of a person up to sixteen (16) years of age who exercises the right of access to the child's personal information in the user or circulation databases. The Library may also disclose information in accordance with the exemptions provided in Section 32 of MFIPPA, including:
 - Subsection (g), disclosure to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - Subsection (i), disclosure under compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, or ill or deceased;

In addition

- The Library may release relevant personal information to a company acting on its behalf for the collection of Library property or unpaid fees.
- The Library may allow certain of its service providers access to relevant personal information solely for the purpose of maintaining the Library's electronic services.

Retention of Information:

5. The Library will not retain any personal information related to the items borrowed or requested by a user, or pertaining to a user's on-line activity, longer than is necessary for the provision of library services and programs. However, the Library may retain personal information related to library functions or services as described below, when users voluntarily opt in to do so; for example, in order to enhance or personalize library functions or services.

The retention of personal information includes the following;

- Personal information regarding library transactions is retained in the user database as long as the circulation record indicates that an item remains on loan or fees remain unpaid.
- The personal information and borrowing history of users are retained. This is done in order to assist users. Users want to be able to have access to their reading history.
- Personal records of all users who have not used their cards in the previous three (3) years and do not have outstanding fines are purged on an annual basis.
- name, address, telephone number and e-mail address of each registered library user
- information about what an individual library user has borrowed or items placed on hold
- information about fines
- information about individuals requests for material through interlibrary loan. As part of a provincial interlibrary loan network, some of this information resides on servers in other places and the library cannot definitely guarantee the use of this information.

B. Protection of Privacy: Staff

Collection and Use of Information:

1. The Library will not collect any personal information about staff members without obtaining their consent to do so, subject to the exceptions as outlined in Sections 29(1) and 52 of MFIPPA and Sections 4(1) and (2) of the general regulations made under MFIPPA. Personal information that is collected will be limited to what is

necessary for the appointment and management of staff and the administration of staff wages, salaries and benefits.

2. Personal information will only be used for the purpose for which it was collected.

Disclosure of Information:

3. The Library will not disclose personal information related to staff to any third party without obtaining consent to do so, subject to exemptions as provided in MFIPPA Section 32. Other situations where the Library will disclose personal information include:

- To third party service providers for the purpose of administering employee benefits.
- With written permission from the staff member concerned, the Library will provide reference checks and confirmation of employment with the Library, including wage and salary rate information, to third parties.

Retention of Information:

The Library will not retain any personal information related to staff longer than is required by law. This includes the following retention practices:

4. Staff personnel files are kept for seven years. Benefits enrollment administrative records related to the various benefits provided to staff such as dental, medical, group life insurance, retirement (OMERS) are all retained until there is a change to enrollment or the death of the active or terminated employee.

5. Third party service providers only keep staff records for as long as they are administering staff benefits on behalf of the library.

C. Access to Information: Users and Staff

1. Access to general records about Library operations will be provided to the public, subject to the exemptions outlined in MFIPPA Sections 6 through 16. The Grand Valley Public Library Board agendas and minutes, annual reports, policies and a variety of other information are routinely made a public record through the Grand Valley Public Library Web site and through Library publications.

2. Access to personal information about a particular individual will be provided to that individual, upon verification of identity and subject to the exemptions outlined in MFIPPA. All requests for information or for records, not publically available, must be made in writing. The CEO will give written notice to the person making a request, as to whether or not access to the record or part of it will be given as prescribed in MFIPPA.

3. The Library will change an individual's personal information if it is incorrect. The Library may ask for supporting documentation.
4. An administration fee may be charged for access to individual or general records in accordance with MFIPPA regulations
5. The Library is committed to addressing all concerns related to providing access to general and/or personal information and to protecting the privacy of personal information in its custody.
6. Staff members have the right access their individual personnel files upon request.

Scope

This policy applies to all information held by the Library, including general information related to its operations, to personal information collected from users of its services and programs, and to personal information relating to Library Staff.

Application

This policy applies to the Grand Valley Public Library Board, staff, and volunteers.

Responsibility for Privacy

- a) The board is responsible for personal information under its control and designates the Chief Executive Officer (CEO) as the individual accountable for the library's compliance with legislation. The CEO ensures that the policy with respect to collection, use and disclosure of information is followed.
- b) All Grand Valley Public Library employees will be made aware of the importance of maintaining the confidentiality of personal information.
- c) Any library user who feels their privacy has not been protected may challenge library practices with the CEO. A library user whose challenge, is not satisfied with the result, may appeal to the Library Board, maintaining either the current policy has been violated or that the current policy needs to be changed in order to address a perceived issue.
- d) A breach is any unauthorized or illegal collection, use, or disclosure of personal information. In the event of a breach the CEO or her/his designate will:
 - i. Contain the breach and repatriate the information
 - ii. Assess the severity of the breach
 - iii. Notify affected parties and the Information and Privacy Commissioner as required
 - iv. Investigate the cause of the breach
 - v. Implement corrective actions

D. The Library and Electronic Messages under Canada's Anti-Spam Legislation

1. All electronic messaging sent by the library is consistent with Canada's Anti-Spam Legislation (CASL).
2. The library will ensure that all electronic messages clearly identify the:
 - i. subject of the communication
 - ii. sender (Grand Valley Public Library)
 - iii. the library's mail address and contact information.
 - iv. way that an individual may "unsubscribe" from receiving further messages
3. At the time of registration for a library card, specific pieces of information are collected (address, phone number, email). Obtaining a library card implies the individual's consent to authorize the library to send electronic notifications regarding personal borrowing and transaction activities if an e-mail address was provided at the time of registration. Individuals may request not to receive electronic notifications although such an action may affect their ability to use the affected library services.
4. The library may, at times, use electronic means to promote services, share information, or announce special events. The library will provide an opportunity for individuals to sign up to receive such specific notifications, and will seek the individual's consent before sending promotional electronic messages and notifications. The library will provide options to individuals to easily unsubscribe from these services or to change their preferences at any time.

Related Documents:

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M56

Municipal Freedom of Information and Protection of Privacy Act R.R.O, 1990, Regulation 823

Information and Privacy Commissioner of Ontario. What are the Privacy Responsibilities of Public Libraries? 2002.

Public Libraries Act, R.S.O. 1990, c. P. 44

Grand Valley Public Library Internet Use Policy