

Privacy, Access to Information and Electronic Messages under CASL Policy

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The Norfolk County Public Library recognizes that all visitors have the right to privacy and confidentiality regarding their use of the library’s services, collections and online spaces, and the collection of personal information. In matters related to privacy and access to information, the Norfolk County Public Library is guided by the Ontario *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, known commonly as (MFIPPA).

Section 1: The Library and Privacy

The Norfolk County Public Library Board will protect the privacy of all individuals’ personal information in its custody or control in keeping with the privacy provisions of MFIPPA and other applicable legislation.

1. Collection of information

- a) Personal information is defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 (MFIPPA), in part, as “recorded information about an identifiable individual.” This could include, in library context, information on a user’s borrowing habits as well as information related to computer use.
- b) The Norfolk County Public Library collects the following identifiable pieces of information:
 - name, address, telephone number and email address of each registered library user
 - date of birth of registered library users under the age of eighteen
 - information about what an individual library user has borrowed or items placed on hold
 - information about fines
 - information about a public meeting room space booked by a specific individual
 - information about programs an individual has registered to attend

- Information about when an individual booked a public computer as well as the Internet search history. (Restricted access by the IT Department for criminal investigations if required).
 - 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.
 - Information that is required to register as part of an online data base.
- c) The library collects comment forms, requests for material reconsideration and correspondence from individual users. All correspondence received is part of the Board's public documents except for correspondence related to personnel or property issues which would be treated as confidential and handled in an in-camera library board session.
- d) The library system collects images and video clips through security cameras. Images are only used to ensure the security and safety of staff and individuals using the library.
- e) The personal information may be given in any of three formats – in person, in writing, electronically – and this privacy policy covers all three circumstances.

2. Use of information

- a) The collection of personal information is limited to that which is necessary for the administration of the library and the provision of library services and programs
- b) The purposes for which personal information is collected from an individual is identified by the library at or before the time the information is collected and that consent is given by the individual at that time
- c) As using personal information for other purposes than originally intended is not permitted by MFIPPA, if the library wishes to use a patron's personal information for a purpose that is not consistent with the one for which it was originally obtained or compiled, it must first acquire the patron's written consent to use the personal information for that new purpose.

3. Disclosure of information

- a) 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 custodial parent or guardian of a person 15 years of age or under who exercises the right of access to the child's personal information in the user or circulation databases. The custodial parent or guardian must make the request in writing. The letter will be scanned and attached to the patron's file for future reference.
- b) 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, ill or deceased;

4. Retention of information

- a) The Library will not retain any personal information related to the items borrowed or requested by a user or pertaining to a user's online activity, longer than is necessary for the provision of library services and programs. The retention of personal information includes the following situations:
- Personal information regarding library transactions is retained in the user database.
 - Personal records of all users who have not used their cards in the previous five years.
- b) 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 personal information and borrowing history of Home Service users are retained with their permission. This is done in order to assist staff in selecting and delivering materials for the user.

5. 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 Norfolk County Public Library employees will be made aware of the importance of maintaining the confidentiality of personal information.
- c) The Integrated Library System (ILS) vendor will agree to maintain the confidentiality of personal information.
- d) Any library user who feels their privacy has not been protected may challenge library practices with the CEO. A library user who is not satisfied with the result of their challenge 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.
- e) A breach is any unauthorized or illegal collection, use, or disclosure of personal information. In the event of a breach the CEO or 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

Section 2: The Library and Access to Information

1. The Norfolk County Public Library is committed to making access to information about the operations of the library available to the public. Board agendas and minutes, annual reports, policies and a variety of other information are made a matter of public record through the Library website and through Library publications. In accordance with the *Public Libraries Act*, the public can inspect any records that the board's secretary has on file except where exemptions are allowed under Section 6-16 of MFIPPA.
2. Responding to requests for other library information is a statutory obligation and will be completed promptly.
3. Upon request, an individual will be informed of the existence, use, and disclosure of their personal information and be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
4. 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. Fees will be applied according to the Municipal Freedom of Information and Protection of Privacy Act R.R.O. 1990 Regulation 823.

Section 3: 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 (Norfolk County 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 (see Section 1 above). 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 email 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:

Circulation Policy (OP-12)

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.