



Section of Policy Manual: Services	Policy No. : PAT-01
Subject: Privacy, Access to Information and Electronic messages under CASL	Policy Approval Date: December 12, 2019
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The Gravenhurst Public Library recognizes that all visitors have the right to privacy and confidentiality regarding the collection of personal information for purposes including use of the Library’s services, its collections and its online spaces. In matters related to privacy and access to information, the Gravenhurst Public Library shall securely maintain records and information developed from the Library’s integrated library system and online databases. The Gravenhurst 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 Gravenhurst Public Library 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. The Gravenhurst Public Library’s integrated library system is accessible only to authorized library personnel, or police and government agencies with a valid warrant for release of information.

### **1. Collection of information**

- a. Personal information is defined in MFIPPA, in part, as “recorded information about an identifiable individual.” This could include, in the library context, information on a user’s borrowing habits, as well as information related to computer use.
- b. The Gravenhurst Public Library collects the following identifiable pieces of information:
  - i. name, address, telephone number and e-mail address (with consent) of each registered library user



- ii. date of birth of registered library users ages twelve and under
  - iii. information about what an individual library user has borrowed or items placed on hold
  - iv. information about fines
  - v. information regarding equipment rental or public meeting room bookings
  - vi. information about programs an individual has registered to attend
  - vii. information gathered when an individual uses the Library's public Wi-Fi or books a public computer workstation, including internet search history
  - viii. information about an individual's requests for material through interlibrary loan. As part of a provincial interlibrary loan network, some of this information resides on servers in other locations and the Gravenhurst Public Library cannot guarantee the security of this information.
- c. Personal information may be given in any of three formats – in person, in writing, electronically – and this privacy policy covers all three circumstances.
- d. The Gravenhurst Public Library collects comment forms, requests for material reconsideration, and correspondence from individual users. Correspondence related to personnel or property issues are treated as confidential and may be handled at an in-camera library board session as per the *Public Libraries Act*.

## **2. Use of information**

- a. Collection of personal information is limited to that which is necessary for administration of the Library and provision of library services and programs.
- b. The purpose for which personal information is collected from an individual is identified by the Library at, or before, the time the information is collected. Consent is given by the individual at that time.
- c. MFIPPA does not permit use of personal information for purposes other than originally intended. 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 consent.

## **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:

- i. 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 Library's integrated library system.
- b. The Library *may* also disclose information in accordance with the exemptions provided in section 32 of *MFIPPA*, including:
  - i. 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. Should a warrant for release of information be received, the CEO/Chief Librarian will consult the Library Board's solicitor to ensure that the warrant is valid before any information is released.
  - ii. 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 on-line activity, longer than is necessary for the provision of library services and programs. The retention of personal information includes the following situations:
  - i. Personal information regarding library transactions is retained in the integrated library system as long as the circulation record indicates that an item remains on loan or if fees were incurred.
  - ii. Records of returned items that have no outstanding fees/charges remain on the user record in the integrated library system until the end of the working day.
  - iii. Personal records of all users who have not used their library cards in the previous five (5) years and do not have outstanding fines are purged on an annual basis.



- iv. Any record of online activity is erased at the end of each use of a public workstation.
  - v. There is a process in place when returning materials to the Library to ensure that confidential information is not inadvertently divulged. When materials are returned to the Library and checked in, the name of the last patron to use the material remains in a background file on the patron and item record, accessed only by authorized library personnel.
- 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.
- i. The personal information and borrowing history of home delivery and outreach services' users are retained with their permission. This is done in order to assist staff in selecting and delivering materials for the user.
  - ii. Records relating to the answering of questions and/or in-depth research for the public in person, by phone, or e-mail, may be retained.

## **5. Responsibility for privacy**

- a. The Library Board is responsible for personal information under its control and designates the CEO / Chief Librarian as the individual accountable for the Library's compliance with legislation. The CEO/Chief Librarian ensures that the policy with respect to collection, use and disclosure of information is followed.
- b. All Gravenhurst Public Library employees and volunteers will be made aware of the importance of maintaining the confidentiality of personal information and are required to sign either the Library's Confidentiality Agreement for employees (Appendix A) or volunteers (PER-04 Volunteer Program Appendix A Volunteer Confidentiality Agreement) prior to the commencement of their duties.
- c. Any library user who feels their privacy has not been protected may challenge library practices with the CEO/Chief Librarian. 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.



- d. A breach is any unauthorized or illegal collection, use, or disclosure of personal information. In the event of a breach the CEO/Chief Librarian 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 action

## **Section 2: The Library and Access to Information**

1. The Gravenhurst Public Library is committed to making access to information about the operations of the Library available to the public. Library Board agendas and minutes, annual reports, policies and a variety of other information are made a matter of public record through the Library's 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 his or her personal information, and will be given access to that information. An individual will 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/Chief Librarian 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:
  - a. subject of the communication
  - b. sender (Gravenhurst Public Library)
  - c. the Library's physical mailing address and contact information.
  - d. a 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). If an e-mail address was provided, Library staff must receive an individual's consent to authorize the Library to send electronic notifications regarding personal borrowing and transactions.
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:**

Gravenhurst Public Library ***SER-10 Meeting Room and Equipment Rental***

Gravenhurst Public Library ***SER-09 Circulation of Materials***

***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

***Public Libraries Act.*** R.S.O. 1990, CHAPTER P.44

***Appendix A: Gravenhurst Public Library Employee Confidentiality Agreement***