Policy Type: Operational | **Policy Number: OP-01**

Policy Title: Protection of Privacy and Access to Information

Initial Approval Date: October 2012
Last Review/Revision Date: 2021
Review Date: 2025

The Madawaska Valley Public Library (the Library) recognizes that all visitors have the right to privacy and confidentially regarding their use of the library's services, collections and online spaces, and the collection of personal information. The 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: Privacy

1. Collection of Information

a. Personal information is defined in *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M56 (MFIPPA), in part, as "recorded information about an identifiable individual." This may include, in the library context, information on a client's borrowing habits, as well as information related to computer use, including sign-up sheets and information on Internet use.

b. The Board ensures that:
   a. The Library complies with the spirit, principles and intent of MFIPPA
   b. 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 access provisions of MFIPPA
   c. The privacy of an individual's personal information is protected in compliance with the privacy provisions of MFIPPA and other applicable legislation.

c. The Library collects the following identifiable information on paper and/or in electronic records:
   i. Name, address, telephone number, ID and proof of residency of each registered library user
   ii. Age cohort of registered library users
   iii. Information about what an individual library user has borrowed or items placed on hold
   iv. Information about fines
   v. Information about a public meeting room space booked by a specific individual or organization
   vi. Information about programs an individual has registered to attend
   vii. Information about when an individual booked a public computer as well as the Internet search history. All such information is erased at the end of the day upon which the computer is used.
   viii. Information about individuals requests for material through interlibrary loan. As part of a provincial interlibrary loan network, some of this in-

formation resides on servers in other places and the Library cannot monitor or control the use of this information.

d. 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 session. In addition, personal information about users and their use of library materials, services and programs is treated as confidential.
e. 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.
f. 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

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:

a) The collection of personal information shall be limited to that which is necessary for the proper administration of the library and the provision of library services and programs
b) The purposes for which personal information is collected shall be identified by the Library at, or before, the time the information is collected and that consent to collect the information is given by the individual at that time
c) As per the MFIPPA, consent of the individual is required should the information be used for a purpose other than for which it was originally obtained. The consent must be in writing and state the new purpose.

3. Disclosure of Information

a) The library will not disclose personal information related to a visitor or a library client to any third party without obtaining consent to do so, subject to certain exemptions as provided in section 32 of *MFIPPA*.
b) Disclosure is permitted in some situations, including:
   i) To a parent or guardian of a person up to sixteen (16) years of age (*MFIPPA*, s. 54(c))
   ii) Upon the presentation of a search warrant
   iii) To police in the absence of a search warrant to aid an investigation Personal information may be released in compassionate circumstances to facilitate con-

tact with next of kin, 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. Procedures for the retention and disposal of personal information will be established and followed, including:
   a. 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.
   b. Records of returned items that have no outstanding fees/charges remain on the user record in the circulation database until the end of the working day.
   c. 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.

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.
   a. The personal information and borrowing history of Home Library Services users are retained with their permission. This is done in order to assist staff in selecting and delivering materials for the user.
   b. Records relating to the answering of questions and/or in-depth research for the public in person, by phone, or e-mail, are retained for two years.

c) Personal information shall be as accurate, complete and up-to-date as is necessary for the purpose for which it is used

d) Personal information shall be protected by security safeguards appropriate to the sensitivity of the information

e) The Annual Statistics Report to the Privacy Commission of Ontario is submitted.

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 Madawaska Valley Public Library staff 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 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

Section 2: Breach of Privacy

1. A breach is any unauthorized or illegal collection, use, or disclosure of personal information.
2. In the event of a breach the CEO or designate will:
    a. Contain the breach and repatriate the information
    b. Assess the severity of the breach
    c. Notify affected parties and the Information and Privacy Commissioner as required
    d. Investigate the cause of the breach
    e. Implement corrective actions.

Section 3: Access to Information

1. The Madawaska Valley 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. The Board recognizes that responding to requests for 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 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 publicly 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 the MFIPPA. Fees will be applied according to the Municipal Freedom of Information and Protection of Privacy Act R.R.O. 1990 Regulation 823.

Section 4: 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 (Madawaska 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 (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 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.