



REPORT TO THE LIBRARY BOARD

MEETING DATE: SEPTEMBER 26, 2019

Session:	Public Session
Subject:	Policy Review: Access to Information and Protection of Privacy Policy
Prepared By:	Susanna Hubbard Krimmer, Nancy Collister
Presented By:	Nancy Collister
Purpose of Report:	For Approval

RECOMMENDATION:

It is recommended that the Library Board approve the updated Access to Information and Protection of Privacy Policy as attached, as part of its cyclical policy review process. Changes to the policy are minor housekeeping edits and some new content that is highlighted in blue text, in the attached draft.

ISSUE/OPPORTUNITY

It is the policy of the London Public Library that the Library 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 with the Municipal Freedom of Information and Protection of Privacy Act of Ontario (MFIPPA) and other applicable legislation.

BACKGROUND & REVIEW

The purpose of this policy is to ensure that:

- London Public Library complies with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and its regulations, notwithstanding the specific applications outlined in this policy;

- 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 access provisions of MFIPPA; and
- Privacy of individuals' personal information is protected in compliance with the privacy provisions of MFIPPA.

NEXT STEPS

Upon approval by the Library Board, the updated Access to Information and Protection of Privacy Policy will be enacted.

LONDON PUBLIC LIBRARY POLICY

Title of Policy: Access to Information and Protection of Privacy Policy

Policy Type: Means

Policy No.: M-05

Effective Date: September 26, 2019

Review: September 2023

PURPOSE:

The purpose of this policy is to ensure that:

- London Public Library (“LPL”/“the Library”) complies with the spirit, principles and intent of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and its regulations, notwithstanding the specific applications outlined in this policy;
- 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 access provisions of MFIPPA; and
- The privacy of an individual’s personal information is protected in compliance with the privacy provisions of MFIPPA.

SCOPE:

This policy applies to all services and operations of the London Public Library Board, Board Members, Employees and Volunteers.

LPL collects personal information about individuals under the authority of the Ontario Public Libraries Act, R.S.O. 1990, c. P.44 and in accordance with Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56.

DEFINITIONS:

“**Disclosure**” means revealing a piece of information that was intended to remain confidential.

“**General records**” means general information that is organized and capable of being retrieved. The records contain no personal information.

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“Individual” means a member of the public, about whom the Library retains “personal information”.

“Personal information”, as defined by MFIPPA, means recorded or unrecorded information about an identifiable individual, including, but not limited to

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- Any identifying number, symbol or other particular assigned to the individual;
- The address, telephone number, fingerprints or blood type of the individual;
- The personal opinions or views of the individual except if they relate to another individual;
- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- The views or opinions of another individual about the individual; and
- The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

“Personal information bank” means a collection of personal information that is organized and capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual.

“Record” means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

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- Correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof; and
- Subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

POLICY STATEMENT:

It is London Public Library policy that the Library will make information about the Library available to the public and that it will protect the privacy of an individual's personal information in its custody or control in keeping with the access and privacy provisions of MFIPPA and other applicable legislation.

LPL recognizes that an individual's choices about the Library services they use, materials they borrow and programs they attend 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. **NEW**

LPL's Video Surveillance Camera Policy balances the needs for security with protection of the privacy of individual's personal information in accordance with the privacy provisions of MFIPPA and LPL's policies and guidelines. **NEW**

Photography/videography/filming is allowed in LPL locations. LPL's Photography/Videography/Filming Policy ensures that, in allowing this in Library locations, an individual's right to enjoy the benefits of the Library is respected and that their right to privacy is protected in accordance with the privacy provisions of MFIPPA and LPL's policies and guidelines. **NEW**

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Access to Information

Library Board agendas and minutes, annual reports, [audited financial statements](#), policies and a variety of other information will routinely be made a matter of public record through the London Public Library website and through Library publications.

Access to general records about Library operations will be provided to the public, subject to the provisions of MFIPPA.

Access to recorded personal information about a particular individual will be provided to that individual, upon verification of identity and subject to the exemptions outlined in MFIPPA.

Payment of a fee may be required and is done in accordance with MFIPPA regulations.

Requests for access to general records and recorded personal information shall be directed to the Office of the CEO & Chief Librarian (CEO).

Protection of Privacy: Users

Collection and Use of Information:

The Library will not collect any personal information about an individual without obtaining their consent to do so, subject to the exceptions as contained in MFIPPA.

[There may be situations where one person represents another individual or an organization. MFIPPA allows an individual's rights or powers to be exercised by:](#)

- [A person with the written consent of the individual that has been verified;](#)
- [A person having lawful custody of a child under the age of sixteen \(16\);](#)
- [A guardian for an individual appointed by a court, or the individual's attorney under power of attorney, or the Public Guardian and Trustee; under the Mental Health Act or Substitute Decisions Act;](#)

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- A personal representative of a deceased individual (e.g., executor named in a will, administrator or trustee appointed by a court) only if the exercise of the power relates to the administration of the individual's estate.

Personal information that is collected will be limited to what is necessary for the proper administration of the library and the provision of services and programs.

Personal information will only be used for the stated purpose for which it was collected or for a consistent purpose.

The Library will provide the following information to the individual when personal information is being collected on behalf of the Library:

- Legal authority;
- Principle purpose or purposes for use; and
- Title, business address and telephone number of an official from the Library who can answer questions.
- Individuals are informed of the reasons for collecting personal information at or before the time of collection.

Examples of reasons are:

- Access to library materials and services;
- Room rentals;
- Electronic communications including, but not limited to, hold alerts and overdue notices;
- Protection of Library property and the safety of the public and Library Employees and Volunteers;
- Library fundraising; and
- Non-identifying statistical purposes.

Personal information may only be obtained from the individual to whom the record relates, as required in MFIPPA, unless the individual authorizes another manner of

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collection. A lawful parent or guardian may supply information about a child under the age of 16 years, in their custody.

The Library will take reasonable steps to ensure that the personal information in the records held by the Library is accurate and up to date. The Library will change an individual's personal information held in the Library's records if it is incorrect. The Library may ask for supporting documentation.

The Library will maintain a personal information bank index of all personal information banks in the custody or under the control of the Library, as set forth in MFIPPA.

Disclosure of Information:

[A individual may request access to their personal information held by the Library.](#)

Notwithstanding the specific applications of MFIPPA cited in this policy, the London Public Library Board is subject to all requirements of disclosure in the MFIPPA.

The Library will not disclose personal information, under its custody or control, related to an individual to any third party without obtaining consent to do so, subject to certain exemptions as provided in MFIPPA. Situations where the Library will disclose this information include the following:

- The Library will disclose personal information to a lawful parent or guardian of a child, under the age of 16 years and whose name is recorded on the child's patron record.
- The Library will disclose relevant personal information about the individual enrolled in the Visiting Library Services, to an authorized support person/family member, or Employee of long term care facilities, for the purposes of service delivery as authorized by the individual on the application form.
- The Library will disclose personal information concerning an individual to a third party who has been assigned supplementary card privileges (e.g. linked cards) provided that the individual and the third party have indicated their

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agreement and the agreement has been recorded in the individual's Library patron record.

- The Library may release relevant personal information to a company acting on its behalf for the collection of Library property or unpaid fines or fees.
- Third party service providers will be required to ensure, by means of a statement in their contract, that any staff or users' personal information to which they have access is only to be utilised for the purposes of carrying out the service they provide to the Library and for no other purpose. Any additional information provided by the patron to a third-party vendor is considered voluntary and not within the scope of this policy. **NEW**

The Library will release information to the Children's Aid Society, under the authority of the *Child, Youth and Family Services Act*, which states that a person who believes, on reasonable grounds, that a child under 16 is at risk of harm, must report this suspicion to the Children's Aid Society immediately, directly and on an ongoing basis.

The Library requires any contracted service provider that may have access to personal information (e.g. integrated library system provider) to sign a confidentiality agreement.

Retention of Records:

The Library will not retain any personal information, such as information related to items borrowed or requested by an individual, or pertaining to an individual's on-line activity, longer than is necessary for the provision of library services and programs. Examples include:

- Personal information regarding library transactions is retained as long as the circulation record indicates that an item remains on loan or fees remain unpaid.
- Personal records of individuals who have not used their card in the current + 6 years and do not have any outstanding activity are purged on an annual basis.

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- The Library may retain personal information related to library functions or services in order to enhance or personalize specific library services and when individuals voluntarily opt in to do so; for example: Welcome emails to new patrons; Membership renewal notifications; Promote Collections, Services, Events and Programs; Email Campaigns; etc
- The records of materials borrowed by individuals using Visiting Library Services are retained with their permission in order to assist Library Employees in selecting materials for the individual.

Accountability

The CEO, through the CEO-Board Linkage Policy, is responsible and accountable for documenting, implementing, enforcing, monitoring and updating the Library's privacy and access compliance.

BACKGROUND:

INQUIRIES:

CEO & Chief Librarian

KEYWORDS:

accessing information, confidentiality of personal information, MFIPPA, privacy policy, privacy protection, protection of privacy

RELATED DOCUMENTS:

[Child, Youth and Family Services Act](#)

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

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

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Communications Policy

Communications Policy – Electronic Messages

[Internet Service Policy](#)

[Lending Services Policy](#)

[Photography/Videography/Filming Policy](#)

Records Management Policy

[Video Surveillance Camera Policy](#)

DOCUMENT CONTROL:

Approved: February 18, 2010 (L10/13)

Reviewed: December 15, 2011 (L11/100.5)

Reviewed: September 23, 2015 (L15/53)

Reviewed: September 26, 2019 (L19/)