

Category: Operations OP-01
Policy Name: **Privacy, Access to Information and Electronic Messages under CASL**
Date Approved: May 30, 2016

The Lake of Bays Township Public Library Board 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 Lake of Bays Township Public Library is guided by the Ontario Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, commonly known as MFIPPA.

Section 1: The Library and Privacy

The Lake of Bays Township Public Library Board will protect the privacy of 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 ***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 the library context, information on a user's borrowing habits, as well as information related to computer use.
- b) The Lake of Bays Township Public Library collects the following identifiable pieces of information:
 - 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 a public meeting room space booked by a specific individual
 - information about programs an individual has registered to attend
 - information about usage of public computers as well as the Internet search history
 - 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.

- comment forms, requests for material reconsideration and correspondence from individual users
- c) The library and the Township of Lake of Bays collect images and video clips through security cameras. Images are only used to ensure the security and safety of staff and individuals using the library.
- d) 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 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 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.
- 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 enforce-

ment 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) Information is collected and used by Library staff for the purposes of the provision of library services including:
 - i. access to Library materials and services
 - ii. informing individuals about outstanding library materials and fees
 - iii. room or equipment rentals
 - iv. library fundraising
 - v. customer alerts to programs and services they may want to use
 - vi. electronic communications for hold and due date alerts and over due notices
 - vii. electronic newsletters
 - viii. non-identifying statistical purposes
 - ix. borrowing history to assist staff in material selection
- b) Borrower accounts are deleted from the database after 5 years of inactivity.

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 Lake of Bays Township 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 their 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 Lake of Bays Township 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 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 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 (Lake of Bays Township 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.

Signature of the Chairperson _____

Document Revision Record:

Revision Level	Date
Initial Approval	May 30, 2016
Last Review/Revision	April 24, 2023
Year of Next Review	2027