

1. Policy Objective

To ensure that County of Brant Public Library complies with the spirit, principles and intent of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Chapter M.56 (MFIPPA).

2. Policy Statement

The County of Brant Public Library Board 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 MFIPPA, and other applicable legislation.

3. Collection of Information

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.

- a. The Library collects the following identifiable pieces of information:
 - name, address, telephone number and e-mail address of each registered library user
 - date of birth of registered library users under the age of twelve
 - 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
 - information about individuals’ requests for material through interlibrary loan. As part of a provincial interlibrary loan network, some of this information resides on external servers the library cannot definitely guarantee the use or protection of this information.
- b. 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 a closed meeting as permitted under the *Ontario Public Libraries Act*, R.S.O. 1990, c. P.44.
- c. The Library or its partnered facilities may collect images and video clips through security cameras. Images are only used to ensure the security and safety of staff, individuals using the Library, or Library property.

- d. Identifiable information may be given to authorized agencies in any of three formats – in person, in writing, electronically – and this privacy policy covers all three circumstances.

4. Use of Information

- a. Personal information will only be used for the stated purpose for which it was collected or for a consistent purpose.
- 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 an individual'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 individual's written consent to use the personal information for that new purpose.

5. 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. Situations where the Library will disclose this information include the following:
 - i. personal information may be released to a parent or guardian who has lawful custody 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 personal information in accordance with the exemptions provided in section 32 of MFIPPA, including:
 - i. Subsection (d), disclosure to a company acting on its behalf for the collection of Library property or unpaid fees and to a service provider for the purpose of maintaining the Library's electronic services.
 - ii. Subsection (g), disclosure to 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;
 - iii. Subsection (i) disclosure under compassionate circumstances to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased.

6. 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. This includes the following situations:
 - i. 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.
 - ii. A user has the option of asking staff that their charge history be maintained.
 - iii. Records of items with outstanding fees/charges are retained until paid.
 - iv. Backup files of users' borrowing activity are temporarily retained for three (3) years for the purpose of restoring data in cases of system failure and file corruption.
 - v. 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.
 - vi. Retention periods for Library electronic services vary by service and change with the introduction of new technologies and services. A Privacy Statement is posted on the County of Brant Public Library website.
- 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 Library Services users are retained with their permission. This is done 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, are retained for two years.

7. 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 requirements around the collection, use, and disclosure of information are followed.
- b. All County of Brant Public Library staff and volunteers 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, in writing, to the CEO. A library user not satisfied with the result of a challenge submitted may appeal, in writing, to the Library Board via the Board Secretary, maintaining either that the current policy has been violated or that the current policy needs to be changed to address a perceived issue.

- a) 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 (if possible to do so);
 - 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;

Implement corrective actions.

7. Access to Information

- a. Access to general records about Library operations will be provided to the public, subject to the exemptions outlined in MFIPPA Sections 6 through 16. The County of Brant Public Library Board agendas and minutes, annual reports, policies and a variety of other information are routinely made a matter of public record through the County of Brant Public Library web site (www.brantlibrary.ca) and through Library publications.
- b. 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. Identify of the individual must be verified prior to releasing the requested information, as per the *Municipal Freedom of Information and Protection of Privacy Act* R.R.O. 1990 Regulation 823.
- c. All requests for information, or for records not publicly available, must be made in writing, using the Request for Access to Information form (Appendix A). 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.

8. Online Privacy

- a. All electronic messaging sent by the library is consistent with Canada's Anti-Spam Legislation (CASL).
- b. The Library will ensure that all electronic messages clearly identify the:
 - i. subject of the communication
 - ii. sender (County of Brant Public Library)
 - iii. Library's mail address and contact information.
 - iv. way that an individual may "unsubscribe" from receiving further messages
- c. At the time of registration for a Library card, specific pieces of information are collected (in accordance with Section A 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.

- d. 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.

12. Accountability

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

13. Contact

CEO
County of Brant Public Library
12 William St
Paris, ON
N3L 1K7

519-442-2433 phone
519-442-7582 fax

kelly.bernstein@brant.ca



Appendix A

REQUEST FOR ACCESS TO INFORMATION Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56 as amended

Date (MM/DD/YYYY): _____

Requestor Information:

First Name

Middle Name

Last Name

Apt/Unit Number/Emergency Conc / House Number Street

City / Town

Province

Postal Code

Telephone Number (Day)

Telephone Number (Evening)

Request for

- ☐ Access to General Records (Sec. 17 MFIPPA)
- ☐ Access to Own Personal Information (Sec. 36.1 MFIPPA)
- ☐ Correction to Own Personal Information (Sec. 36.2 MFIPPA)

Preferred method of access to records

- ☐ Examine original
- ☐ Receive Copy

Please provide a detailed description of requested records, personal information or personal information to be corrected.

Note: If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require a statement of disagreement be attached to your personal information.

Date (MM/DD/YYYY)

County of Brant Public Library Policy Manual
LS 4 Access to Information and Protection of Privacy