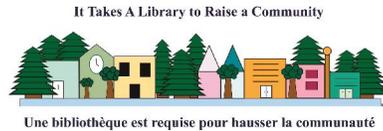

Wawa Public Library



Policy Type: **OPERATIONAL**

Policy Number: OP-01

Policy Title: **Access to Information & Protection of Privacy**

Initial Policy Approval Date: Nov 2007

Last Review/Revision Date: Nov 2020

Year of next review: November 2024

The Wawa Public Library recognizes that all visitors have the right to privacy and confidentiality regarding their use of the library's services, collection and online spaces, and the collect of personal information. In matters related to privacy and access to information, the Wawa 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 Wawa Public Library Board 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.

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 Wawa Public 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 programs an individual has registered to attend
 - Information about when an individual booked a public computer 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

Section 1: The Library & Privacy (continues)

resides on servers in other places and the library cannot guarantee the use of this information.

- c) The library collects comments, 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 handles in an in-camera library board session.
- 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.

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 written consent to use the personal information for that new purpose.

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 enforcement proceeding or from which a law enforcement proceeding is likely to result;
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Section 1: The Library & Privacy (continued)

- 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;

Retention of Information

The Library will retain any personal information related to the items borrowed or requested by a user. This includes the following situations:

- All personal information regarding library transactions is retained in the user database. This will assist our patrons with their selection.
- Records of outstanding items or outstanding fees/charges are retained until paid.
- Records of returned items that have no outstanding fees/charges remain on the user record in the circulation database until the user is removed from the database.

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 Wawa 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.

Section 2: The Library and Access to Information

- a) The Wawa 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 by visiting the library. 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.
- b) Responding to requests for other library information is a statutory obligation and will be completed promptly.

Section 2: The Library & Access to Information (continued)

- c) 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.
- d) All request 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 art 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

- 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:
 - Subject of the communication
 - Sender (Wawa Public Library)
 - The library's mail address and contact information
 - 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 (see Section 1). 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.

Background Notes (not to be included in the policy document, but provided as background information)

With respect to Privacy and Canada's Anti-Spam Legislation CASL)

CASL is federal legislation which came into effect on July 1, 2014. It focuses on electronic messages with the purpose of "fighting spam". Industry Canada has posted background information at <http://fightspam.gc.ca/eic/site/030.nsf/eng/home> No type of organization, including charities and non-profit organizations, is exempt from CASL and this includes public libraries.

During the application process for a library card, a library collects a person's name and address to track the library's materials and might also collect e-mail addresses from those who consent to their use. In this case, personal information can only be used for the purpose for which it was originally obtained or compiled, or for a consistent purpose, and in this case, is commonly understood to be circulation management.

CASL is really about ensuring that electronic messages of a commercial nature, sent from the library are only sent to those individuals who have given their consent to receive these messages. The obligations under the CASL are separate and distinct from the obligations under MFIPPA. CASL does not apply to electronic messages that do not promote, off, advertise or encourage participation in a commercial activity, and you would not need to follow consent requirements to send these types of messages. For example, sending lists of new book titles via e-mail would not require consent.

CASL only applies to **commercial electronic messages (CEMs)** which are defined as electronic messages that have as one of their purposes "encouraging participation in a commercial activity" sent from e-mail accounts, text messaging accounts or similar types of account types (but does not include voicemail or fax messages). Examples provided in the CASL include selling, bartering or leasing products, goods or services, whether or not there is an expectation of profit. Examples of library messages that might be considered commercial, even if these activities are not engaged in for profit include:

- Invitations to programs for which there is a charge
- Promotion of sales of products (used book sales)
- Newsletters that contain information about events for which there is a charge
- Promotion of contests or other draws
- Promotion of library services for which there is a charge, such as photocopying

If the library has obtained the consent of a person and has the right to send electronic messages to its customers, donors, etc, then the legislation states that the library must include these elements in each of its messages:

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- The name of the library and the mailing address as well as a telephone number, e-mail address or web address. Those contact means must be valid for a minimum of 60 days after sending the message.
 - Details on how to unsubscribe from the electronic messaging.

CASL is based on an **opt-in** system, which means you need to have the person's consent **before** sending a CEM. Under the CASL, there are two kinds of consent: **implied** consent (Section 10(9)) and **express** consent (Section 10(1)). The onus to prove consent rests with the sender of the CEM.

Implied consent exists where the sender and recipient have an existing **business** relationship, where there has been a purchase of product or services or a contract between the parties in the last two years. For example, if you have a non-business relationship with library volunteers, which gives you their implied consent to send them CEMs for the next two years.

Individuals may provide their **express consent** in various ways (e.g., by signing a document, sending you a confirming e-mail, entering information into a webform or clicking on an "I Accept" button). Once you have secured someone's express consent, you may continue to send CEMs indefinitely unless the individual "un-subscribes" from further messages.

On July 1, 2014, when the CASL came into force, existing implied consents through business or non-business relationships could continue for a three-year transitional period (ending July 1, 2017). This means that you could continue to send CEMs (with specifications such as contact information, etc) unless recipients indicate that they no longer wish to receive CEMs from the sender. Express consent to send CEMs will be required from everyone else, with whom you do not have a business or non-business relationship. One approach for a public library is to obtain express consent from everyone now, converting implied consent to expressed consent. This will simplify the process of tracking both implied and express consent. We assume that, in a library, patrons would have re-registered or updated their cards within this three year window, and so all should be at express consent by now for anything requiring this special permission (e.g. of a commercial nature)