



REPORT TO THE LIBRARY BOARD

MEETING DATE: FEBRUARY 18, 2010

Session:	Public Session
Subject:	LPL Access to Information and Privacy Policy
Prepared By:	Margaret Mitchell, Susanna Hubbard Krimmer
Presented By:	Margaret Mitchell
Purpose of Report:	For Decision: Approval <input checked="" type="checkbox"/>

Recommendation

It is recommended that the Library Board approve the draft Access to Information and Privacy Policy as stated in Appendix 1 of this report.

Issue / Opportunity

The purpose of this policy is to govern London Public Library's management of personal information and access to and privacy protection of that information. The policy addresses personal information about individual members of the public only, not employee information.

Several factors have played a role in the identification of the need for a policy in this area:

- The Library's legal obligations under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
- The increased volume of personal information held by the Library in conjunction with its services and operations; and
- The need to provide appropriate responses to inquiries for the release of personal information.

The purpose of this policy is to ensure that:

- London Public Library complies with 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 individual's personal information is protected in compliance with the privacy provisions of MFIPPA.

Background & Review

In November 2009, the Library Board approved assumptions and guiding principles for the development of a policy related to the confidentiality of personal information. Next steps were identified and have been undertaken including a review of:

- Legislative requirements, including the Ontario Public Library Act, 1990, Municipal Act, 2001, and Municipal Freedom of Information and Protection of Privacy Act, 1990 and
- Policies of the City of London and the policies and practices of a variety of libraries.

The Toronto Public Library policy was of particular help.

In accordance with its due diligence practices, LPL also sought advice from legal counsel in the development of the LPL policy. As well, peer review was provided by Jim Purser, Manager of Records and Information Services, City Clerk's Office, City of London.

Next Steps

LPL will ensure concordance between this policy and other policies, including service policies such as the Lending Services Policy.

The Library will confirm and, as necessary, update existing procedures and, as required, develop new procedures to ensure that the personal information in records held by the Library is accurate and up to date. Included will be retention and disposition schedules and procedures.

The Library will develop and 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.

LONDON PUBLIC LIBRARY POLICY

Title: Access to Information and Protection of Privacy Policy

Policy: Governance

Policy No.: B-M-012

Issuing Date: February 18, 2010

Review: Annually

PURPOSE: The purpose of this policy is to ensure that:

- the 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
- the privacy of individuals' 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, its staff, Board members and volunteers.

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.

“Individuals” means members 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

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) 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,

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- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) 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,
- (g) the views or opinions of another individual about the individual, and
- (h) 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:

- (a) 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
- (b) 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 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 MFIPPA and other applicable legislation.

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1. Access to Information

- (a) Library Board agendas and minutes, annual reports, 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.
- (b) Access to general records about Library operations will be provided to the public, subject to the provisions of MFIPPA.
- (c) 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.
- (d) Payment of a fee may be required and is done in accordance with MFIPPA regulations.
- (e) Requests for access to general records and recorded personal information should be directed to the Office of the CEO & Chief Librarian.

2. Protection of Privacy: Users

Collection and Use of Information:

- (a) The Library will not collect any personal information about individuals without obtaining their consent to do so, subject to the exceptions as contained in MFIPPA. 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.
- (b) Personal information will only be used for the stated purpose for which it was collected or for a consistent purpose.
- (c) The Library will provide the following information to the individual when personal information is being collected on behalf of the Library:
 - (i) legal authority
 - (ii) principle purpose or purposes for use

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- (iii) title, business address and telephone number of an official from the Library who can answer questions.
- (d) Individuals are informed of the reasons for collecting personal information at or before the time of collection. Examples of reasons are:
 - i) Access to library materials and services
 - ii) Room rentals
 - iii) Library fund development
 - iv) Electronic communications including, but not limited to, hold alerts and overdue notices
 - v) Non-identifying statistical purposes
 - vi) Protection of Library property and the safety of the public.
- (e) 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 collection.
 - (i) A parent or guardian may supply information about a child under 16 years of age, in his or her custody.
- (f) The Library will take reasonable steps to ensure that the personal information on the records held by the Library is accurate and up to date.
- (g) 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:

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.

- (a) 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:

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- (i) The Library will disclose personal information to a parent or guardian of a child, under 16 years of age, whose names are recorded on the child's patron record.
 - (ii) The Library will disclose relevant personal information about the individual enrolled in the Visiting Library Services, to an authorized support person/family member, or staff of long term care facilities, for the purposes of service delivery. authorized by the individual on the application form.
 - (iii) 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 agreement and the agreement has been recorded in the patron record.
 - (iv) 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.
 - (v) The Library will release information to the Children's Aid Society, under the authority of the *Child 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.
- (a) 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:

- (a) 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:
- (i) Personal information regarding library transactions is retained as long as the circulation record indicates that an item remains on loan or fees remain unpaid.

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(ii) The circulation records of Visiting Library Services individuals are retained with their permission in order to assist the staff in selecting materials for the individual.

(b) Personal records of individuals who have not used their cards in the previous three (3) years and do not have any outstanding activity are purged on an annual basis.

3. Accountability

The Chief Executive Officer & Chief Librarian, 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:

KEYWORDS:

RELATED DOCUMENTS:

DOCUMENT CONTROL: