
Callander Public Library



Privacy, Access to Information and Electronic Messages under CASL

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Purpose:

The Callander Public Library (CPL) recognizes that all visitors have the right to privacy and confidentiality regarding their use of the library’s collections, services and online spaces. Visitors and members have the right to privacy and confidentiality regarding the collection of personal information by the library for the operation of library collections, services and online spaces. In matters related to privacy and access to information, the Callander 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). CPL also recognizes that it is required to follow ***Canada’s Anti-Spam Legislation*** (CASL) for the purpose of distributing library information through electronic messaging.

1. The Library and Privacy:

The Callander 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.

a) Collection of information

- i. Personal information is defined in the ***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, participation in library services as well as information related to library computer or public internet use.
- ii. The Callander Public Library collects the following identifiable pieces of information:
 - Name, address, telephone number, and e-mail address, of each registered user.
 - Fines, fees, items borrowed or placed on hold of each registered user record. As part of the provincial JASI consortium for the library’s integrated library system

(ILS), this information resides on external servers via the Ontario Library Service on behalf of the JASI consortium.

- Information about programs an individual has registered to attend
- Information about when an individual has booked or used a public computer
- Information about an individual's 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.

- iii. 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 an in-camera library board session.
- iv. The library collects images and video clips through security cameras. See the Callander Public Library's **Video Surveillance Policy** OP-11 for more information.
- v. Personal information may be collected by library staff or volunteers in carrying out their regular library duties for the purpose of facilitating patron to access library services. This information may be collected in person, by phone, in writing or electronically.

b) Use of information:

- i. 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.
- ii. 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.
- iii. As using personal information for other purposes than originally intended is not permitted by MFIPPA, if the library wished 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.

c) Disclosure of information:

- i. The Library *will not* disclose personal information related to a visitor or library user to a 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:

- ii. The Library *may* 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
 - iii. The Library *may* 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;
 - 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;
 - iv. All requests for disclosure of personal information will be referred to the CEO.
- d) Retention of information:
- i. The Library *will not* retain any personal information related to the items borrowed by a user, or pertaining to a user's online activity, longer than is necessary for the provision of library services and programs. The retention of personal information includes the following situations:
 - Personal information regarding library transactions is retained in the user database as long as the item borrowed remains in the Library's collection plus two years.
 - Personal records of all users who have not used their cards in the previous five (5) years and do not have outstanding fines, overdue books or lost items not paid for are purged on an annual basis.
 - ii. 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 to enhance or personalize library functions or services.
 - 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.
 - Records relating to programs and services accessed by the public may be retained for two years.
- e) Responsibility for privacy:
- i. 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.
 - ii. All Callander Public Library employees will be made aware of the importance of maintaining the confidentiality of personal information.

- iii. Any library user who feels their privacy has not been protected may challenge library practices in the form of a letter, with the CEO. A library user who challenges library practices with the CEO and 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.
- iv. 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:
 - Contain the breach and repatriate the information
 - Assess the severity of the breach
 - Notify the affected parties and the Information and Privacy Commissioner as required
 - Investigate the cause of the breach
 - Implement corrective actions

2. The Library and Access to Information

- a) The Callander Public Library is committed to making access to information about the operations of the library available to the public. Board agendas and approved minutes, annual reports, library by-laws and approved policies that directly impact library patrons 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 in possession or control of the board's secretary with the exception of the exemptions allowed under **Municipal Freedom of Information and Protection of Privacy Act** Section 6-16. Paper copies may be obtained at the library, printing costs will be incurred by the requester.
- b) Members of the public may access draft minutes and meeting packages in the library, five days before a regularly scheduled board meeting or by contacting the CEO for electronic copies.
- c) Responding to requests for other library information is a statutory obligation and will be completed promptly.
- d) 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.
- e) All requests for information or for records, not publicly available, must be made in writing. The CEO/board secretary 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 may be applied according to the Municipal Freedom of Information and Protection of Privacy Act R.R.O. 1990, Regulation 823.

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:
 - i) Subject of the communication
 - ii) Sender (Callander Public Library)
 - iii) The library's mail address and contact information
 - iv) The method for an individual to "unsubscribe" from receiving further messages
- c) 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.
- 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.

Related Documents:

Callander Public Library OP-12 - Circulation Policy

Callander Public Library OP-11 – Video Surveillance Policy

Municipal Freedom of Information and Protection of Privacy Act, *R.S.O. 1990, c. M56*

Municipal Freedom of Information and Protection of Privacy Act R.R.O, 1990, Regulation 823
Information and Privacy Commissioner of Ontario.

Canada's Anti-Spam Legislation