

Muskoka Lakes Township Public Library
LIBRARY BOARD POLICY

Policy Type: Operational	Policy Number: OP-03
Policy Title: Protection of Privacy, Access to Information and Messages under Canada's Anti-SPAM Legislation	Policy Approval Date: 12/19/23
Chairperson: V. Duke	Policy Review Date: 10/27

Intent:

The Muskoka Lakes Public Library Board (herein after referred to as the Board) recognizes that all users have the right to privacy and confidentiality regarding the use of the Muskoka Lakes Public Library's (herein after referred to as the Library) services, collections (including the materials they borrow) and online spaces (including the websites they visit) as well as in the collection of personal information by the Library.

The Library will make every reasonable effort to ensure that personal information about its users and their use of Library materials, services and programs remains confidential. The Board upholds the right of the public to access their personal information that is held by the Library and is also committed to making access to information regarding the governance and operations of the Library available to the public.

Regulations:

Personal information is defined in the Municipal Freedom of Information and Protection of Privacy Act, (herein after referred to as MFIPPA), in part, as "recorded information about an identifiable individual". This could include, in the Library context, information on a user's borrowing habits, information related to computer use and the collection of photographs and videos. Information could be collected for a number of purposes including documentation and promotion.

Electronic messaging sent by staff, Board members, volunteers and any other person(s) communicating on behalf of the Library is governed by Canada's Anti-Spam Legislation (herein after referred to as CASL).

Procedures:**Section 1: Privacy**

1. The Library collects the following information (in accordance with Policy OP-02 User Records) which may be given in person, in writing or electronically. This privacy policy covers all three circumstances.
 - a) user's name, complete address(es) (home and seasonal), email address(es), phone numbers, residency status (permanent, seasonal, owner, renter), language spoken, birthdate (if under 14). If applicable, user identifier (i.e. driver's licence) and/or roll number that has been visually verified.
 - b) information about what an individual Library user has borrowed or placed on hold



- c) anonymous information about usage of public computers, which is retained for the collection of statistics
- d) information about a public meeting room space booked by a specific individual
- e) information about programs an individual has registered to attend
- f) information about an individual's requests for material through an interlibrary loan. As part of a provincial interlibrary loan network, some of this information resides on servers in other places and the Library cannot monitor or control the use of this information
- g) comment forms, requests for material reconsideration and correspondence from individual users

2. The Board is responsible for personal information under its control and designates the Library Chief Executive Officer (CEO) as the individual accountable for the Library's compliance with legislation. The CEO ensures that:

- a) the collection of personal information is limited to that which is necessary for the proper 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 to collect the information is given by the individual at the time of registration
- c) written consent is required should the information be used for a purpose other than that for which it was originally obtained
- d) a person is advised, that their image may be collected, used and disclosed if they participate in a certain activity. Notice may be provided on the website, signage, through registration and/or verbal notification by staff. This is implied consent and a photo release form is not required.
- e) a photo release form must be completed and signed by each identifiable person, including parent/guardian, on behalf of a child under 14, considered to be the subject of a photo or video, before the photo or video can be used. A release form is not required if an identifiable person is not the subject of the photo, but is one of a group featured in a photo or if the identifiable person is a public figure (e.g. mayor or councillor)
- f) personal information related to a visitor or a Library user is not disclosed to any third party without obtaining consent to do so, subject to certain exemptions as provided by MFIPPA. Information will be disclosed:
 - I. to a parent or guardian of a person up to fourteen (14) years of age who exercises the right of access to the child's personal information in the user or circulation databases
 - II. to an institution or law enforcement agency to aid an investigation related to a potential law enforcement proceeding
 - III. to a close relative or a friend of an individual who is injured, ill or deceased, under compassionate circumstances, to facilitate contact with next of kin,
- g) personal information is as accurate, complete and up-to-date as is necessary for the purpose for which it is used
- h) personal information is protected by security safeguards appropriate to the sensitivity of the information
- i) employees are aware of the importance of maintaining the confidentiality of personal information

3. Any Library user who feels their privacy has not been protected may challenge Library practices with the CEO. A Library user, who is not satisfied with the challenge results, may appeal to the Board, maintaining either that the current policy has been violated or that the current policy needs to be changed in order to address a perceived issue.

Section 2: Collection and Retention of Information

1. Information is collected and used by Library staff for the purpose of the provision of Library services including:
 - a) access to Library materials and services
 - b) informing individuals about outstanding Library materials or fees
 - c) program registration
 - d) room or equipment rentals
 - e) Library fundraising
 - f) customer alerts to programs and services they may want to use
 - g) electronic communications for hold and due date alerts and overdue notices
 - h) electronic newsletters
 - i) non-identifying statistical purposes
2. Information will only be used for the purposes for which it was collected and will not be disclosed except with consent as required by law.
3. The Library *will not* retain any personal information related to the items borrowed or requested by an individual, or pertaining to an individual'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.
 - All personal information on public computers is erased at the end of the working day upon which the computer is used.
4. 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:
 - 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.
 - 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.
5. User accounts are deleted from the database after 3 years of inactivity.

Section 3: Access to Information

Responding to requests for information is a statutory obligation as defined by MFIPPA.



1. The 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 a matter of public record. 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 Board session. 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 the MFIPPA.
2. Responding to requests for information is a statutory obligation.
3. 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.
4. All requests for information or for records, not publicly available, must be made in writing.
5. The CEO will give written notice to the person making a request, as to whether access to the record or part of it will be given as prescribed in MFIPPA.
6. Fees will be applied according to MFIPPA.

Section 4: Breach of Privacy

A breach of privacy is any unauthorized or illegal collection, use, or disclosure of personal information.

In the event of a breach the CEO or designate will:

- a) contain the breach and repatriate the information
- b) assess the severity of the breach
- c) notify affected parties and the Information and Privacy Commissioner, as required
- d) investigate the cause of the breach
- e) implement corrective action

Section 5: The Library and Electronic Messages under Canada's Anti-Spam Legislation

All electronic messaging sent by the Library is consistent with Canada's Anti-Spam Legislation (CASL).

1. The Library has Implied Consent to send Electronic Messages to the following:
 - a) persons who are current, active cardholders of the Library
 - b) persons who ceased to be cardholders in the 24 months preceding the date of sending the electronic message
 - c) persons who entered into a financial transaction with the Library in the 24 months preceding the date of sending the electronic message
 - d) persons who donated to the Library in the 24 months preceding the date of sending the electronic message

- e) person who volunteered for the Library in the 24 months preceding the date of sending the electronic message
2. The Library will ensure that all electronic messages clearly identify the:
 - a) subject of the communication
 - b) the Library's name and mailing address
 - c) at least one of the following – Library's email address, telephone number or website
 - d) how an individual may "unsubscribe" from receiving further messages
 3. At the time of registration for a Library card, specific pieces of information are collected as outlined in 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 preference.
 5. Staff, Board Members and volunteers will be advised of Canada's Anti-Spam Legislation and this policy.
 6. At a minimum the CEO will conduct an annual audit of the Library's electronic communication practices, to ensure compliance with this policy. Any discrepancies will be addressed as soon as reasonably possible to ensure compliance with this policy.

Related Documents:

Municipal Freedom of Information and Protection of Privacy Act

Canada's Anti-Spam Legislation (CASL)

MLPL OP-02 User's Records

MLPL OP-04 Circulation

MLPL OP-08 Promotional Materials

