



Customer Privacy and Access to Information

Operational

Purpose

The Brantford Public Library recognizes that all people have the right to privacy and confidentiality regarding their use of library services, collections, and online spaces, and in the collection of personal information by the Library. In the course of collecting personal information to conduct its business, the Brantford Public Library is guided by the Ontario *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 (MFIPPA), and *Canada Anti-Spam Legislation (CASL)*.

Policy

Section 1: The Library and Customer Privacy

1. Collection of information

- a) 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.”
- b) The Library collects personal information under the authority of MFIPPA for the purpose of conducting the Library’s business, which may include information relating to library membership, borrowed items, requests, fines and fees, appointments, program registrations, computer use, room bookings, promotional materials, surveys, video surveillance, policy violations, and health, safety, and security concerns.
- c) The Library will state the purpose for collecting any personal information and obtain consent for that use.
- d) Obtaining a library card implies the individual’s consent to authorize the Library to collect personal information for the purpose of conducting the Library’s business.
- e) Personal information shall be collected using only legal and lawful means and its collection, use and storage will be limited to that which is only necessary to conduct business for the purposes identified by the Library.
- f) 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.
- g) Any individual may choose not to allow the collection of their personal information, although such an action may affect their ability to use the affected library services.

2. Use and disclosure of information

- a) Personal information shall not be shared, used, or disclosed for purposes other than that for which it was collected, except with the consent of the individual, exceptions in this policy, or as required by law.
- b) Personal information may be shared with agencies and companies working within the scope of their duties on behalf of the Library and in compliance with this policy.
- c) Personal information, including borrowing and transaction history, shall not be disclosed to another person unless to a parent or legal guardian, who is listed as the guardian responsible, for a person who is less than 16 years of age, or where a written consent form is provided.
- d) The Library may, at the discretion of the Library's CEO/Chief Librarian, 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 in an investigation undertaken with a view to a law enforcement proceeding or where that institution or agency has reasonable basis to believe that an offence may have been committed and the disclosure is to enable the conducting of an investigation;
 - 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.
- e) Any disclosures to law enforcement officials or in compassionate circumstances must be reported to the Library Board, without identifying the individual concerned.

3. Retention of information

- a) Personal information shall be retained only for the period of time required to fulfill the purposes for which it was collected.
- b) Retention information relating to borrowing history is as follows:
 - i) Information about what a person has borrowed is not kept in the customer's account after the item is returned, except where fines and fees may have occurred.
 - ii) Staff may access last borrower information for library business purposes only.
 - iii) Individuals may access their own borrowing history through the online catalogue; members can opt to enable or disable this feature in their personal online account. This information is not accessible to Library staff.
 - iv) Home Delivery customers' borrowing history is retained with their permission, for the period they are enrolled in the service.
 - v) Membership records of inactive cardholders (those who have not used their cards in the previous five (5) years) who do not have outstanding fines or fees are deleted on an annual basis.
- c) The Library's CEO/Chief Librarian will annually review retention periods and practices to ensure compliance with legislation and policies.

4. Responsibility for privacy

- a) The Library Board is responsible for personal information under its control and designates the Chief Executive Officer (CEO)/Chief Librarian as the individual accountable for the library's compliance with legislation. The CEO/Chief Librarian ensures that the requirements around the collection, use, and disclosure of information are followed.

- b) All Brantford Public Library staff and volunteers will be made aware of the importance of maintaining the confidentiality of personal information.
- c) Customers should report immediately any lost or stolen library cards to reduce the potential for unauthorized access to their records and protect their information. The Library is not responsible for unauthorized data access which occurs as a result of a customer's lost or stolen card.
- d) The Library provides access to websites and online resources that may require the provision of personal information. Customers are urged to consult the individual privacy policies of third-party businesses and organizations before providing any personal information. The Library is not responsible for unauthorized data breaches which occur as a result of a customer providing personal information to a third party. Customers are responsible for signing out of computer sessions and securing their personal devices to avoid unauthorized access of their personal information by others.
- e) Any library user who feels their privacy has not been protected by the Library may challenge library practices, in writing, to the CEO/Chief Librarian. The CEO/Chief Librarian will respond in writing within thirty (30) business days. A library user not satisfied with the result of a challenge submitted may appeal, in writing, to the Library Board maintaining either that the current policy has been violated or that the current policy needs to be changed to address a perceived issue. The Library Board will provide a written response to an appeal within sixty (60) business days.
- f) A breach is any unauthorized or illegal collection, use, or disclosure of personal information. In the event of a breach the CEO/Chief Librarian, 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;
 - v) Implement corrective actions.

Section 2: The Library and Access to Information

1. The Brantford 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 through Library publications and postings. 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 the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
2. Responding to requests for library information is a statutory obligation and will be completed in a timely manner.
3. Customers are responsible for identifying changes in personal information such as name, address or contact information to maintain the accuracy of their information.

4. 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. The Library has a right to request supporting documentation from a customer when making any corrections. The identity of the individual must be verified prior to releasing the requested information. An administration fee may be charged for access to individual or general records in accordance with MFIPPA regulations. Any requests are subject to the exemptions outlined in MFIPPA.
5. All requests for information or for records not publicly available, must be made in writing and delivered to the Brantford Public Library CEO/Chief Librarian, who serves as the Freedom of Information Coordinator. The CEO/Chief Librarian 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.
6. The CEO/Chief Librarian in their capacity as Freedom of Information Coordinator can be contacted at:

CEO/Chief Librarian
Brantford Public Library
173 Colborne Street
Brantford, Ontario
N3T 2G8
Telephone: 519-756-2220
Fax: 519-756-4979
7. Any decisions by the CEO/Chief Librarian regarding requests for information may be appealed to the Information and Privacy Commission. The Appeal Form and information on the appeal process are available on the Information and Privacy Commission's website www.ipc.on.ca

History

Supersedes: *Privacy*

Background documents, related policies: *Municipal Freedom of Information and Protection of Privacy Act* R.R.O. 1990 Regulation 823; *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56; *Brantford Public Library Video Surveillance Policy*; *Canada Anti-Spam Legislation*, S.C. 2010, c.23; *Public Libraries Act*

Approval Date: July 2011 (Original title: *Privacy*)

Revision History: February 2024

Projected Review Period: 2028

Author: CEO/Chief Librarian

Approval Level: Brantford Public Library Board