



## **Privacy, Access to Information and Electronic messages under Canadian Anti-Spam Legislation Policy**

**Reviewed and Approved:** February 2024

---

The Lincoln Pelham 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 matters related to privacy and access to information, the Lincoln Pelham Public Library is guided by the Ontario ***Municipal Freedom of Information and Protection of Privacy Act***, R.S.O. 1990, c. M.56 (MFIPPA).

### **Section 1: The Library and Privacy**

The Lincoln Pelham 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.

#### **1. Collection of information**

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 and information related to computer use or program registration.

LPPL collects the following identifiable pieces of information:

- name, address, telephone number and email address of each registered library user (i.e cardholder);
- information about what an individual library user has on loan or items placed on hold.
- information about fines and fees.
- information about a public meeting room space booked by a specific individual.
- information about programs an individual has registered to attend.

- information about individuals' requests for material through interlibrary loan. As part of a provincial interlibrary loan network, some of this information resides on external servers and the library cannot guarantee the use or protection of this information.
  - a) The library collects comment forms, requests for material reconsideration, and correspondence from individual users. All received correspondence to the Board 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 a closed meeting as permitted under the Ontario **Public Libraries Act**, R.S.O. 1990, c. P.44.
  - b) 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.
  - c) 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, which may include fines, holds, overdue notices, fundraising and programs.
  - d) The possession of a library card or overdue notice by another person implies written consent for the holder to pay fines or pick-up materials on behalf of the card owner but does not allow access to any personal records. Individuals can provide consent for another person to access their records by signing a consent form.

## 2. 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 are 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 an individual'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 individual's written consent to use the personal information for that new purpose.

### 3. 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 lawful custody of that individual, upon written request to the CEO.
- 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 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.

### 4. Retention of information

- a) LPPL *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 about library transactions is retained in the user database if the circulation record indicates an item remains on loan or fees remain outstanding.
  - Records of returned items that have no outstanding fees/charges remain on the user record in the circulation database until the end of the working day.
  - Personal records of all inactive cardholders (those who have not used their cards in the previous three (3) years) and who do not have outstanding fines or fees are purged from time to time.
  - All personal information on public computers is erased at the end of the working day upon which the computer is used.

- b) 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:
- The personal information and borrowing history of Visiting Library Services users are retained with their permission. This is being 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.
  - Records related to donations or sponsorships.

## **5. 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 requirements around the collection, use, and disclosure of information are followed.
- b) All Lincoln Pelham Public Library staff and volunteers 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, in writing, to the CEO. A library user not satisfied with the result of a challenge submitted may appeal, in writing, to the Library Board via the Board Chair - maintaining either that the current policy has been violated or that the current policy needs to be changed to address a perceived issue.
- d) A breach is any unauthorized or illegal collection, use, or disclosure of personal information. In the event of a breach the CEO, 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 Lincoln Pelham Public Library is committed to making access to information about the library's operations 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 Library has on file except where exemptions are allowed under Section 6-16 of MFIPPA.
2. Responding to requests for library information is a statutory obligation and will be completed promptly.
3. 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. Identify of the individual must be verified prior to releasing the requested information, as per the Municipal Freedom of Information and Protection of Privacy Act R.R.O. 1990 Regulation 823.
4. All requests for information or for records, not publicly available, must be made in writing. The CEO will give written notice to the person requesting access to the record or part of it 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

1. All electronic messaging sent by the library is consistent with Canada's Anti-Spam Legislation (CASL).
2. The library will ensure that all electronic messages clearly identify the:
  - i. subject of the communication.
  - ii. sender (Lincoln Pelham Public Library).
  - iii. library's mailing address and contact information.
  - iv. way that an individual may "unsubscribe" from receiving further messages.
3. 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 email 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 certain library services to their fullest extent.

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, and provide consent, to receive such specific notifications. The library will provide options for individuals to easily unsubscribe from these services or to change their preferences at any time.

**Related Documents:**

*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*

*Canada's Anti-Spam Legislation (CASL)*

Government of Ontario. [Public Libraries' use of patron information.](#)