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LEG – 03 Privacy and Anti-spam Policy

Purpose:

This policy sets out to ensure that the trustees of the Hanover Public Library Board (the board), and library staff and library volunteers of the Hanover Public Library (the library), are in compliance with:

- (a) the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA) with regard to protecting the privacy of individuals; and
- (b) Canada’s anti-spam legislation with regard to use of electronic messages.

Scope:

This policy applies to board trustees, library staff, library volunteers, and third-party agencies that access information or promote library activities

PART 1 Personal information

Definitions:

Personal information is defined in MFIPPA, in part, as “recorded information about an identifiable individual”. This may include information on a user’s borrowing habits, programme attendance, or information related to computer use.

Recorded information is captured or documented information that may include written, recorded or electronic records.

Policy Statement:

The board and library recognize that library users' personal information, choice of materials, use of services and websites is a private matter. People have a fundamental and legal right to privacy, and their personal information must be protected.

Therefore, the board and library will undertake all of the following:

- (a) make every reasonable effort to ensure that personal information about library users and their use of library materials, services and programmes remains confidential;
- (b) ensure that this privacy policy is enforced by all board trustees, library staff and library volunteers, as well as any third-party agencies that may have legitimate access to such information in support of the library’s business;
- (c) uphold the rights of the public to access their personal information held by the library and is committed to making access to information about the governance and operations of the library available to the public;
- (d) ensure the library complies with the spirit, principles, and intent of MFIPPA;
- (e) ensure that 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;
- (f) ensure the privacy of an individual's personal information is protected in accordance with the privacy provisions of MFIPPA.

Collection of Personal Information:

Personal information may be provided verbally, in writing or electronically.

The library collects all of the following identifiable pieces of personal information:

- name, address, and telephone number of each registered library user as required for membership, used by library staff and library service agents in provision of library services;
- optionally, the email address of some registered library users for enhanced electronic messages and reminder services;
- information about what a library user has borrowed, or items requested or placed on hold, used by library staff;
- information about fines and fees charged to a user for library services;
- information about programmes an individual registered for or attended;
- information about when an individual booked a public computer or meeting space;
- information about an individual's request 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 monitor or control the use of this information;
- information that may be required to assist library staff in answering reference questions in person, over the phone, or through electronic mail.

Use of Personal Information:

The library collects comment and feedback forms, requests for material reconsideration and correspondence from individuals, any of which may be referred to the board. All such communications are considered 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 session.

Personal addresses and phone numbers that are collected by the library will not be given or sold to other organizations and will only be used for library membership services and library messages. Information may be shared with agencies working within the scope of their duties on behalf of the library including for the purpose of maintaining the library's electronic services. The library will contract only with third-party agencies that abide by regulations under MFIPPA.

Personal information about individual users and their use of library materials, services and programmes is used by library staff while providing library services and is otherwise treated as confidential. Information about people registered for a library event may be shared with the programme presenter as an agent of the library service.

The library collects images of people at library events and programmes. Pictures of recognizable individuals may be used in library publications, but the individuals will not be identified except where proper permission has been obtained.

Information stored during use of the library's public computers such as saved documents, login information and internet search history is not collected or used by the library. All such information is erased when the internet browser session is closed, or

the computer is restarted or shut down at the end of the day on which the computer is used. Upon complaint, the library may review the use of a particular computer to ensure that the library's *OP-14 Internet and Computer Use Policy* is being upheld. Such a complaint must be lodged at the time of the alleged abuse so that library staff can investigate.

The Town of Hanover collects images and video clips through security cameras. Images are used to ensure the security and safety of library staff and individuals using the building, by municipal staff in accordance with municipal policies.

Disclosure of Personal Information

The library will not disclose personal information related to a visitor or a library user to any third party without obtaining consent to do so, except in specific circumstances as provided for in this policy, in *LEG-02 Access to Information Policy* or under exemptions as provided in section 32 of MFIPPA.

Disclosure is permitted in some situations, including all of the following:

- to a parent or legal guardian of a person up to sixteen (16) years of age on presentation of the child's library card and their ID and/or proof of guardianship;
- 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;
- in compassionate circumstances, information may be released to facilitate contact with a spouse, partner, a close relative or a friend of an individual who is injured, ill or deceased.

Deemed consent: In special circumstances, patrons may designate a specific family member or other person to check out material for them, using their membership card. Possession of a library membership card may be considered consent by the library member to share information related to the circulation of library materials with the person holding the library card.

Third-parties may work as agents of the library and be provided access to information as required for the performance of their work. Examples include programme presenters, software system support personnel, mass mailing and newsletter distribution services.

Access to Personal Information

See *LEG-02 Access to Information Policy* for formal requests for access to information about individuals or library governance and operations.

Responsibilities:

The board is responsible for personal information under its control and designates the CEO/Chief Librarian as the individual accountable for the library's compliance with legislation.

The CEO/Chief Librarian will ensure all of the following occur:

- 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 programmes;
- 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;
- personal information is not used for a purpose other than for which it was originally obtained or a consistent purpose without first obtaining consent, or as required by law;
- consent to collect the personal information is given by the individual at the time of registration;
- any individual may choose not to allow the collection of such information, although such an action may affect a person's ability to use the affected library services;
- personal information is not retained longer than is necessary for the provision of library services, and that procedures for the retention and disposal of personal information are established and followed;
- personal information will be as accurate, complete and up-to-date as is necessary for the purpose for which it is used;
- personal information will be protected by security safeguards appropriate to the sensitivity of the information;
- the Annual Statistics Report to the Information and Privacy Commissioner of Ontario is submitted;
- all board trustees, library staff and library volunteers sign the *Confidentiality Statement*, are aware of this policy, respect the confidentiality of personal information, and apply appropriate safeguards and procedures.

The CEO/Chief Librarian will answer any individual's questions about the uses of specific information and about specific practices, ensuring that practices abide by this policy.

Library staff will allow users to see personal information about themselves, on presentation of their library membership card or acceptable ID. Information including contact information and information about materials borrowed can also be accessed through the library's online services. The library member's personal password, together with either library card number or personal login ID, is required to access this information.

Library users and members are responsible for keeping their library membership card and any accounts, passwords or access codes private, for notifying the library of any changes to their personal information, and for notifying the library immediately of loss, abuse or breach of their library membership card or accounts.

Any library user who feels their privacy has not been protected may challenge library practices with the CEO/Chief Librarian. A library user who is not satisfied with the result may appeal to the board in writing, maintaining either the current policy has been violated or that the current policy needs to be changed in order to address a perceived issue.

PART 2 Electronic messages under Canada's anti-spam legislation

Definitions:

CASL is "An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information

Protection and Electronic Documents Act and the Telecommunications Act” (S.C. 2010, c. 23, known as “Canada’s anti-spam legislation” or “CASL”).

Commercial activity is any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, whether or not the person who carries it out does so in the expectation of profit.

Commercial electronic message (CEM) is an electronic message that, having regard to the content of the message, the hyperlinks in the message to content on a website or other database, or the contact information contained in the message, it would be reasonable to conclude has as its purpose, or one of its purposes, to encourage participation in a commercial activity. In the library context, these include messages promoting programmes with an entry fee, book sales, contests or paid library services like copying.

Electronic address is an email account, a telephone account, an instant messaging account or any other similar accounts.

CASL’s Requirements:

CASL prohibits sending to an electronic address a commercial electronic message, unless the person to whom the message is sent has consented to receiving it, whether the consent is express or implied, and the message must be in a form that conforms to the prescribed requirements. CASL allows exceptions for messages sent by registered charities for the primary purpose of fundraising, and assumes implied consent where messages are related to an existing commercial transaction, an ongoing membership or account, or existing non-business relationship such as with volunteers.

All electronic messaging sent to electronic addresses by the library is consistent with the requirements of CASL. The library will ensure that all electronic messages clearly identify all of the following:

- the subject of the communication;
- the sender (that is, the library);
- the library’s mail address and contact information;
- the way that an individual may “unsubscribe” from receiving further messages.

Consent:

The library will endeavour to obtain express consent from all persons to whom it may send electronic messages, at all reasonable opportunities. At the time of registration for a library membership, contact information is collected. 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. The library collects written consent on its registration form and may record verbal or emailed consent. Individuals may request not to receive electronic notifications, although such an action may affect their ability to use the affected library services.

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 opt in to receive such specific notifications and will seek the individual’s consent before sending promotional electronic messages and notifications. People may provide an email contact address when registering for a programme or service or signing up online to use

services or receive a newsletter. These are examples of express consent to receive CEMs from the library. The library will provide clear and easy options for individuals to unsubscribe from these services or to change their preferences at any time.

Related Documents:

Hanover Public Library Board. *BL - 04 Powers and Duties of the Board*

Hanover Public Library Board. *LEG - 02 Access to Information Policy*

Hanover Public Library. *OP - 04 Membership Policy*

Hanover Public Library. *OP - 14 Internet and Computer Use*

Hanover Public Library Board. *Confidentiality Statement*

Public Libraries Act R.S.O,1990, c. P.44

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

R.R.O 1990, Reg. 823, the *General Regulation under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M56*

Information and Privacy Commissioner of Ontario. *What are the privacy responsibilities of public libraries?* December, 2002