

Board Motion Number:	2022-24	Date of Review:	2026
Date Approved:	September 19, 2022	Chairperson's signature:	Original signed by: Marcus Ryan

Privacy and Access to Personal Information Policy

BACKGROUND

Oxford County Library recognizes that a library customer's personal information, as well as information on their borrowing habits, program attendance and computer use is a private matter. The library will make every reasonable effort to ensure that information about its customers and their use of library materials, services and programs remains confidential.

In addition, the Library upholds 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.

The Oxford County Library Board has adopted the Canadian Federation of Library Association's (CFLA) *Statement on Intellectual freedom and Libraries* (2019) and the Ontario Library Association's *Statement on Intellectual Freedom and the Intellectual Rights of the Individual* (2020).

PURPOSE

This policy addresses personal information and privacy specific to library operations. It does not replace or duplicate any County policies already in place.

This policy is applicable to all Oxford County Library Board Members and staff.

PROCEDURES

The library collects personal information under the authority of the *Public Libraries Act*, R.S.O. 1990, c. P44 and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA) for the purposes of conducting library business, which may include borrowing services, programs, computer use, marketing and fundraising.

Personal information is defined in *MFIPPA*, subsection 2, in part, as "recorded information about an identifiable individual including:

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,

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(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

(g) the views or opinions of another individual about the individual, and

(h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;"

Collection and Use of Personal Information

1. No personal information about library customers will be collected without obtaining their consent to do so, subject to the exemptions contained in subsection 29 (1) of *MFIPPA* and subsections 4 (1) and (2) of R.R.O 1990, Regulation 823.
2. Personal information that is collected will be limited to that which is necessary for the proper administration of the Oxford County Library and its services and programs.
 - a. The library collects the following information for the administration of services:
 - i. Name
 - ii. Address
 - iii. Telephone number
 - iv. Email address (optional)
 - v. Date of birth (optional for customers over the age of 18)
 - vi. Name of Parent/Caregiver (for customers 13 years and younger)
 - b. The library collects personal information for the following purposes:
 - i. Access to library materials, technology, programs and services
 - ii. Automated telephone, email or text message systems for account communication
 - iii. Electronic newsletters and marketing of library programs, services and resources
 - iv. Library fund development
 - v. Fraud prevention or abuse of library services
3. Personal information will only be used for the stated purpose for which it was collected, or for a consistent purpose, in accordance with *MFIPPA*.
4. Any forms used for the purpose of collecting personal information for library business shall contain a Notice of Collection statement as follows:

Information on this form is collected under the legal authority of the *Public Libraries Act*, R.S.O 1990, c. P44 and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 for the purpose of library services. For more information regarding this collection, please contact the Legislative

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Services Coordinator, 21 Reeve Street, P.O. Box 1614, Woodstock, Ontario N4S 7Y3 or 519-539-9800 ext. 3017 / clerksoffice@oxfordcounty.ca

5. 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.

Consent

1. Obtaining a library card or registering for a program and/or service implies the individual's consent to authorize the library to collect personal information for the purposes of conducting library business.
2. Parents/Caregivers must be available to give consent for a child age 13 or younger. Further details on requirements for parents/caregivers are provided in the library's *Children and Teen Services Policy*.
3. Possession of a library card by another person implies written consent for the holder to pay fines/fees or pick-up materials on the 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 written request to the library.
4. Individuals may choose not to provide or allow the collection of their personal information. However, such actions may affect their ability to use some library services.

Disclosure of Personal Information

Oxford County Library has a responsibility to protect the privacy of individuals and the confidential nature of personal information.

1. Library staff may view and amend a customer record as required to perform library business. Staff are not permitted to view or amend records outside the scope of their duties.
2. Subsection 28(1) of the *Public Libraries Act* allows members of the public to inspect any records that the Library Board's Secretary has, subject to the exemptions provided for in the *MFIPPA* under Section 32. The CEO/Chief Librarian may disclose records and information not subject to *MFIPPA*. Disclosure of other records will be dealt with formally, in accordance with the County's Access and Privacy Policy.
3. In accordance with *MFIPPA*, clause 54 (c), parents / caregivers may request and receive access to the personal information of a child, under the age of sixteen (16), who is under their lawful custody.
4. Personal information may be shared with agencies and/or companies working within the scope of their duties on behalf of the library and in compliance with this policy.
5. Any customer who feels their privacy has not been protected should be directed to notify the CEO/Chief Librarian in writing. The CEO/Chief Librarian will then notify the Legislative Services Coordinator of the issue who will in turn investigate the complaint in accordance with the policies and procedures named in this policy.

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- Staff members, who are acting as customers of the library, have the same rights to privacy and confidentiality as other library customers.

Accuracy

- Personal information shall be as accurate, complete and up-to-date as necessary to fulfill the purpose for which it is collected.
- The library will update member information on a regular basis, as outlined in the *Membership and Circulation Policy*.
- The library will ensure that the collection, storage and disposal of information are carried out in a manner that conforms to legislation.
- Library customers are responsible for identifying changes in personal information to maintain the accuracy of their information. Said information may be updated by visiting a branch location. As outlined in the *Membership and Circulation Policy*, staff may request identification when updating personal information.
- Any dispute between a library customer and staff with respect to the accuracy of the personal information collected, will be dealt with in accordance with 36(2) of MFIPPA and the County's Access and Privacy Policy.

Retention of Information

- Personal information is collected, voluntarily, and stored electronically in a central Ontario Library Consortia database. Third-party host organizations are obligated to protect client information under the terms of the Ontario Library Consortia contract agreements.
- The library will not retain any personal information related to the items borrowed or requested by a library customer longer than is necessary for the provision of library services and programs and in accordance with the County's Retention By-law.
- Paper records containing personal information are securely retained and disposed of pursuant to County of Oxford *Records Retention By-Law* (#4957-2008).

References and Related Documents

Oxford County Library Policies

Oxford County Library. (2022, July). *Membership and Circulation Policy*.

Oxford County Library. (2022, July). *Children and Teen Services Policy*.

County of Oxford Policies, Forms and By-Laws

County of Oxford. (2015, May). *Confidentiality Policy*.

County of Oxford. (2014, August). *Anti-Spam Policy*.

County of Oxford. (2019, November). *Access and Privacy Policy*.

Board Motion Number:	2022-24	Date of Review:	2026
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County of Oxford. (2010, February). *Electronic File, E-mail and Data Storage and Security Policy*.

County of Oxford. (2021, June). *Video Surveillance Policy*.

County of Oxford. (2008). *Record Retention By-Law #4957-2008*.

County of Oxford. *Law Enforcement Related Disclosure Form*.

County of Oxford. *Freedom of Information Request (8.9A)*.

County of Oxford. (2015, March) *Privacy Breach Protocol*.

Legislation

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

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

Position Statements

Canadian Federation of Library Associations. (2019, April). *Statement on Intellectual Freedom and Libraries*. CFLA-FCAB.

Ontario Library Association. (1998, November). *Position on Children's Rights in the Library*. OLA: Ontario Library Association.