

**Type:** Governance**Authority:** Board**Resolution No.:** BMPL 2018-50 on 3-22-18; POL-SYS.2018.21**Associated Documents:** *Municipal Freedom of Information and Protection of Privacy Act, RSO. 1990, cM.56*

Legal Framework

The Blue Mountains Public Library Board (the “Library Board”) will make information about the library, museum and gallery available to the public and will make every reasonable effort to ensure that the personal information of its users within its custody or under its control, is protected, all in accordance with the access and privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56 (“*MFIPPA*”).

SYS.2018.21.1 Administration

The Library Board is ultimately responsible for personal information in the Library’s custody or under its control and designates the Chief Executive Officer (“CEO”) as the individual accountable for the Library’s compliance with *MFIPPA*.

SYS.2018.21.2 Definition of Personal Information

Personal information is defined in *MFIPPA*, in part, as “recorded information about an identifiable individual.” In the library or museum research context, this could include, but is not limited to information related to a user’s borrowing habits, computer and internet use, registration in programs, as well as a user’s telephone number, address or email address.

SYS.2018.21.3 Collection and Use of Personal Information

1. No personal information about users shall 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 what is necessary for the proper administration of the library, museum or gallery and the provision of its services and programs.
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. The CEO will limit employees’ access to users’ personal information to only those employees who need such access in order to perform their assigned duties.
5. For the purposes of the registration of users and the administration of services, the Library collects the following types of personal information: name, address, telephone number, email address, date of birth, language preference, and usership (e.g. borrowing history, program attendance, communication subscription, research requests, Board presenters etc).
6. The Library, Gallery and Museum of the BMPL will not sell or share any donor or membership lists.

SYS.2018.21.4 Disclosure of Personal Information

1. Under no circumstances will an employee provide a user’s personal information to a third party.
2. All requests by a third party for disclosure of a user’s personal information shall be made in writing to the CEO. The CEO will process the request in accordance with *MFIPPA*.

3. The CEO will not disclose personal information related to a user to any third party without obtaining consent to do so, subject to certain exemptions as provided in section 32 of *MFIPPA*, including, but not limited to:
 - 3.1. Clause 32 (g), if disclosure is 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; and
 - 3.2. Clause 32 (i), in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased.
4. Pursuant to clause 54 (c) of *MFIPPA*, the CEO will also disclose information to a parent or guardian of a person up to sixteen (16) years of age who exercises the right of access to the child's personal information.
5. The CEO may disclose personal information if such disclosure is otherwise required by law.
6. The CEO may release relevant personal information to a company acting on its behalf for the collection of Library property or unpaid fees.
7. The CEO may allow certain of its service providers access to relevant personal information solely for the purpose of maintaining the Library's electronic services.
8. A user's name, address and/or email address may be accessed and used by designated employees for the purpose of communicating information regarding Library programs and services, only when the user has consented to the receipt of such communications.

SYS.2018.21.5 Retention of Personal Information

1. The Library will not retain any personal information related to the items borrowed or requested by a user longer than is necessary for the provision of library services and programs. However, as long as a user is in good standing, the Library may retain records regarding a user's borrowing history in order to enhance or personalize library functions or services.
2. If a user has not used Library services for two years or more, his or her borrowing history may be purged.

SYS.2018.21.6 Security Cameras

1. The Board recognizes that the use of security cameras at facilities is part of the library, museum and gallery's overall strategy to ensure the safety of persons and property.
2. In order to provide notice to individuals that security cameras are in use:
 - 2.1. Signs visible to members of the public shall be posted at all entrances and/or prominently displayed on the perimeter of the grounds under security camera coverage. The following information will be included on at least one sign at each location with security camera coverage:
 - 2.1.1. the legal authority for the collection of personal information; the principle purpose(s) for which the personal information is intended to be used;
 - 2.1.2. and the title, business address, and telephone number of someone who can answer questions about the collection.
 - 2.2. Every reasonable attempt will be made to ensure security camera monitors are not in a position that enables the public and/or unauthorized staff to view them.

3. All reasonable efforts shall be made to ensure the security of records in its control/custody and ensure their safe and secure disposal.
4. In the event that video records are released to law enforcement officials, the CEO shall limit the content to the information deemed pertinent to the investigation. This includes, but is not limited to, zooming images in on suspects in question, obscuring identifiable features of other individuals and limiting the time frame of video coverage provided.
5. In the case of live streamed events, attendees will be informed prior to live stream launch, that the attendees images may be included in live stream video or archived live stream videos.

SYS.2018.21.7 Pictures and Videos

For the purpose of promotion or reporting, employees may take photos or videos during programs and events. Visitors attending will be informed by appropriate measures and will be given the possibility to object to the disclosure of their personal information, including their image.

SYS.2018.21.8 Access to Information

1. Access to the general records about the operations of the library, museum and gallery will be provided to the public, subject to the exemptions set out in *MFIPPA*.
2. The Board agendas and minutes, annual reports and a variety of other information are routinely disclosed to the public through the Library website.
3. Access to personal information about a particular individual will be provided to that individual on condition that such information is requested in writing to the CEO and subject to the exemptions set out in *MFIPPA*.
4. The CEO will change an individual's personal information if it is verified by the CEO to be incorrect. The CEO may ask for supporting documentation.
5. An administration fee may be charged for access to individual or general records in accordance with *MFIPPA* regulations. BMPL follows the fee structure as outlined in the appendix.
6. Details on submitting a request and appealing a decision are outlined in the appendix.

Original Approval: 2018-03-22

Amended On: 2019-05-16

Appendix

The following information will be available in print and on the BMPL FOI Website

Access to General Information

The Blue Mountains Public Library is an organization separate from The Town of The Blue Mountains, and records and requests for records must be made to the correct organization.

While a formal request may be completed at any time, it is recommended that any individual looking to access records first contact the [Library CEO](#) who has the authority to provide information. Records are generally available, unless there are specific reasons why the information cannot be given based on the Act. Where the records are not publicly available, a formal [MFIPPA Request](#) form is required.

Access to Personal Information

Every person has the right to see personal information about them held by an organization. A request may be made to see the records and have the information changed if a person thinks that the information contains errors or omissions. To access personal information or request a change to personal information, a [MFIPPA Request](#) is required. This includes patron records and employment records.

Once the BMPL receives a request, it will determine whether the correction or addition of information has been granted. Any request denied may be appealed to the Information and Privacy Commissioner [Filing An Appeal - IPC](#). BMPL cannot directly accept any requests for appeal.

Submitting a Request

All formal requests to see general records or personal information or to change personal information must be submitted to the BMPL designated "Head" which is the [Library CEO](#). Request applications must be submitted with the processing fee of \$5.00. This fee is not subject to refund or being waived. No activity will occur on the request until such time as both the application and fee have been paid. Completed [MFIPPA Request](#) forms and the application fee should be mailed to:

Blue Mountains Public Library
173 Bruce St S
PO Box 580
Thornbury, ON N0H 2P0

You may also submit a request in person by visiting the CEO's Office at the L.E. Shore branch. Appointments are recommended, but staff may receive the request and process a fee without the CEO present.

Exemptions

Exemptions: Mandatory and Discretionary

There are two types of exemptions in [FIPPA](#) and [MFIPPA](#).

Mandatory Exemptions require the head of an institution to refuse to disclose the record. Mandatory exemptions begin with the words: "a head shall refuse to disclose..."

Discretionary Exemptions allow the head to disclose a record, despite the existence of the exemption. Discretionary exemptions are introduced by the words: “(A) head may refuse to disclose...”

Examples of exclusions and exemptions include:

- Cabinet records
- Court records
- Records containing certain law enforcement information
- Records that could prejudice intergovernmental relations
- Personal information that could invade the privacy of an individual
- Certain records supplied in confidence by a third party
- Most labour relations records

Requesters may appeal institutions’ decisions by writing or by filling out an [appeal form](#) and sending it to the IPC Registrar at the address on the form.

Fees

The [MFIPPA Act](#) is founded on the premise that requestors should bear at least a portion of the costs associated with responding to their request. As a result, applicants are required to pay the fees mandated by the Act.

- A processing fee of \$5.00 is required for all applications. This fee minimally covers the processing of a request and determining the length of time required to provide information and therefore assess the additional costs. This fee is non-refundable.
- When the cost is expected to be more than \$25.00, the applicant will be provided with a Notice of Fee Estimate that will provide a line by line breakdown of the anticipated fees.
- When the cost is expected to be more than \$100.00, a deposit equal to 50% of the anticipated cost will be required before any additional work associated with the request will occur.

If the applicant believes the anticipated fees are excessive or unaffordable, the scope of your request should be adjusted. A Notice of Fee will be provided when the process is complete. The cost outlined in the Notice of Fee must be received in full prior to any release of records. If the applicant cancels the request at any time during the research stage, upon completion of the research, or after the records have been release, all payments are non-refundable.

Protecting Personal Privacy

As well as giving access to BMPL records, the [MFIPPA Act](#) also requires the organization to protect the privacy of our patrons and employees.

Personal information is collected and used by for very specific purposes that are identified at the time of collection. Personal information will not be used for any other reason than identified at the time of collection, nor disclosed in any circumstance, except as permitted by the Act.

If you feel your personal information has been misused or disclosed in a manner that is inconsistent with the Act, please contact the [Library CEO](#) or the [Information and Privacy Commissioner of Ontario](#).

Appealing a Decision

Any decision issued by the BMPL may be appealed to the Information and Privacy Commissioner of Ontario. Decisions can only be reviewed by the Commissioner's Office and must be appealed within 30 days of the decision being issued by the Library CEO.

To appeal a decision, please consult the information provided by the [Information and Privacy Commissioner of Ontario](#).