

MANAGEMENT REPORT

Date: December 29, 2020
Author: Dawn Ibey, Director, Library Experience
VanDocs#: DOC/2020/305381
Meeting Date: January 27, 2021

TO: Library Board
FROM: Dawn Ibey, Director, Library Experience
SUBJECT: 2020 BC FIPPA Compliance Report

SUMMARY

This report provides an update on activities in 2020 related to the handling of personal information and access to information requests to meet the Library's obligations under the B.C. Freedom of Information and Protection of Privacy Act (FIPPA).

PURPOSE

This report is for information.

RECOMMENDATIONS

That the Services, Finance, and Human Resources committee recommend that the Board receive this report for information.

POLICY

The Protection of Privacy Policy and the Code of Conduct policies are the foundation of the Library's privacy management program, and the administrative policy Information Technology – Cloud Computing Services ensures that the Library's use of cloud-based software considers BC FIPPA obligations. From these policies, operational guidelines, related policies, and procedures enhance our practices and ensure that VPL is compliant with FIPPA and maintains the trust of our patrons.

INDIGENOUS CONSIDERATIONS

This report is related to our privacy management activities and compliance under the legislation. The risks associated with the mishandling of personal information of Indigenous patrons include loss of trust in VPL and reputational damage both to the patron and to VPL, with potential longer term impacts on some individual Indigenous patrons' trust in VPL that may be linked to historical injustices experienced in institutional settings. These impacts may be similarly experienced by other communities that may be distrustful of institutions and public bodies such as refugees and some newcomers.

As a result of the potential impact of personal information breaches, our privacy management framework supports the Library's activities and services related to the Truth and Reconciliation Calls to Action and implementation of the UN Declaration on the Rights of Indigenous Peoples in British Columbia and Canada. This understanding of the potential impacts of historical injustices on Library experiences arises as a result of education efforts undertaken by VPL staff in response to call to Action 57: Professional Development and Training for Public Servants.

STRATEGIC IMPLICATIONS

Public bodies, including the Library, are obligated to comply with FIPPA. Libraries historically have supported the principles that the legislation was built on, access to information and protection of privacy and often put measures in place that exceed the requirements of the legislation. Protection of privacy is directly connected to the Library's core values of intellectual freedom and learning and curiosity, and is fundamental to VPL's ability to achieve its vision and mission.

The Canadian Federation of Library Associations' (CFLA) Statement on Intellectual Freedom states that the CFLA "supports and promotes the universal principles of intellectual freedom as defined in the Universal Declaration of Human Rights, which include the interlocking freedoms to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers. It goes on to state that "Libraries have a core responsibility to safeguard and defend privacy in the individual's pursuit of expressive content. To this end, libraries protect the identities and activities of library users except when required by the courts to cede them."

BACKGROUND

Vancouver Public Library is committed to protecting personal privacy. Any personal information collected, used, or disclosed by the Library is in accordance with FIPPA. The Library's Protection of Privacy Policy was revised and approved by the Board in May 2016.

The Library's Code of Conduct Policy sets expectations for staff for handling confidential information and protecting privacy. When dealing with personal information, staff must comply

fully with the provisions of FIPPA. The Library's Code of Conduct Policy was revised and approved by the Board in January 2016.

The Library's privacy management program is maintained through staff training sessions, privacy impact assessments of new tools and services, and review and updating of our policies and procedures to ensure that they align with our foundational policies and the law.

DISCUSSION

Each year the Board is presented with a report that outlines the previous year's activities and the effectiveness of the internal controls in place that support compliance with privacy regulations.

Ministerial orders

British Columbia has among the strictest privacy and data-residency laws in Canada. It is one of two provinces with legislation requiring the personal information of its citizens to be stored in, and only accessed from, Canada.

In March, in response to the global pandemic, a ministerial order was issued under FIPPA which temporarily permitted the use of communication and collaboration software tools, such as Zoom, which store personal data outside of Canada. This order supported the Library's ability to conduct meetings across a distributed workforce, including staff working from home, safely. The order is in effect until May 31, 2021. Staff are currently exploring alternative tools that provide similar functionality and meet Canadian data residency requirements, including ones that can be hosted on VPL servers, to ensure service continuity if the order is not renewed.

Supporting Policies

The pandemic resulted in a rapid shift to having staff deliver services virtually and work from home. To support staff and ensure compliance with our obligations under FIPPA, management established an interim *Work from Home Guideline* at the start of the pandemic.

The following Information Technology policies were updated in 2020 as part of their scheduled review cycles:

- Information Technology – General
- Information Technology – Mobile Technology
- Information Technology – Mobile Technology and Remote Access Acceptable Use Guidelines
- Information Technology – Security and Integrity
- Information Technology – Email Usage

Staff Training

Staff training included two presentations at Leadership Team Meetings, which include all staff in supervisory roles (over 80 individuals). The annual review of the *Protection of Privacy* policy occurred at the January meeting. In August, a second review of the *Protection of Privacy* policy was provided, accompanied by an overview of the *Information Technology – Cloud Computing Services* policy. The August training focused on how the policies are applied when working from home and when using the new tools introduced to deliver service in 2020. In the following weeks, supervisory staff shared this information with all staff at the unit level.

Access to Information Requests

FIPPA gives individuals the right to request access to information held by public bodies. In 2020, the Library received twelve requests for information under FIPPA. Six of the requests were abandoned by the applicants. All six of the abandoned requests were submitted prior to the onset of the pandemic.

Request	Applicant	Description	Status
FOI-2020-001	Transfer from City of Vancouver - patron	policy information about branch meeting room use	completed
FOI-2020-002	Patron	events and programs – controversial events	completed
FOI-2020-003	Patron	own information – correspondence, board reports	completed
FOI-2020-004	Patron	room bookings – 2010-2020	abandoned
FOI-2020-005	Patron	event rental information	abandoned
FOI-2020-006	Patron	event rental information	abandoned
FOI-2020-007	Patron	event rental information	abandoned
FOI-2020-008	Patron	event rental information	abandoned
FOI-2020-009	Patron	event rental information	abandoned
FOI-2020-010	Law firm	collection inquiry – specific item data	completed
FOI-2020-011	Ontario resident	branch information – security reports, policies	completed
FOI-2020-012	Transfer from City of Vancouver – interest group	procurement – Chief Librarian's furniture	completed

FINANCIAL IMPLICATIONS

Development and updating of policy, handling of privacy breaches by staff, and processing the majority of access to information requests occurs within the operating budget.

The act defines the conditions under which a public body may charge an applicant for an access request. Upon receiving a request, an estimate of the work required is completed by staff. If it is determined that a fee would be appropriate, given the size and complexity of the request, staff contact the applicant to see if the request can be modified to avoid or reduce the fee. When a fee is required, the Library charges \$30.00 per hour after the first three hours in alignment with the City of Vancouver and the act. The act includes a provision for the application to request a fee waiver in some circumstances. An applicant cannot be charged for their own information.

FINAL REMARKS

2020 was an unprecedented year resulting in VPL adopting new ways of working and serving the public. Transitioning to the new way of delivering service considered our privacy management framework and the necessary controls were put in place to ensure compliance with our policies and the law.