

MANAGEMENT REPORT

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TO: Library Board
FROM: Tim Bottomer, Chair, SFHR Committee
SUBJECT: Annual Privacy Update 2023

SUMMARY

This report provides an update on activities in 2023 related to the Library's privacy management program and the Library's obligations under the B.C. Freedom of Information and Protection of Privacy Act (FOIPPA).

PURPOSE

This report is for information.

RECOMMENDATIONS

That the Board receive the report for information.

POLICY

The Protection of Privacy [\[link\]](#) and Code of Conduct [\[link\]](#) policies are the foundation of the Library's privacy management program. The Library's Protection of Privacy Policy was revised and approved by the Board in May 2016. In addition to staff's obligations under FOIPPA, staff are further obligated under the Library's Code of Conduct Policy, approved by the Board in January 2016. Under this policy, expectations for handling confidential information and protecting privacy are outlined for staff.

From these policies, operational guidelines, related policies, and procedures are put in place to ensure that VPL is compliant with the act and to enhance VPL's privacy management program. The CCTV Systems Policy [\[link\]](#) is a related Board policy that further ensures VPL meets FOIPPA obligations in our operations. VPL has administrative policies that further articulate staff's

responsibilities when handling personal or sensitive information. The Information Technology – Cloud Computing Policy provides a process for approval of the use of products that store data in the cloud, and the Information Technology - AI Security Policy and the supporting Acceptable Use Guidelines have been put in place to ensure that staff’s use of AI is in compliance with FOIPPA.

INDIGENOUS CONSIDERATIONS

As part of the 2021 FOIPPA amendments, protections for Indigenous rights were expanded by extending the provisions for Indigenous governments to all “Indigenous governing entities” and adding a new exception where disclosure would be considered harmful to the interests of Indigenous Peoples, focusing on cultural heritage, traditional knowledge, and traditional cultural expression. VPL is now required to give third party notice when there is reason to believe that this exception applies. To date, the library has not needed to apply these provisions, however staff remain cognizant of the amendments in their dealings with the local Nations.

STRATEGIC IMPLICATIONS

FOIPPA sets out the access and privacy rights of individuals as they relate to the public sector, and sets the terms under which public bodies, including VPL, can collect, use, and disclose personal information. VPL collects and uses personal information in accordance with FOIPPA to conduct library business, and to evaluate, plan, and provide library services and programs. Ensuring compliance with FOIPPA helps to build and maintain trust with our patrons.

BACKGROUND

In the fall of 2016, the City of Vancouver scheduled an internal audit of Privacy Compliance. The objective of the audit was to evaluate the effectiveness of City-wide internal controls in place supporting compliance with privacy regulations. A final report with recommendations was issued in March 2017. The Privacy Compliance Audit recommended three actions to strengthen VPL’s privacy management program: enhance privacy training, formalize breach management protocols, and establish a personal information bank (PIB). The recommendations of the audit have been met.

Ongoing monitoring of VPL’s privacy management framework occurs to identify gaps, risks, and opportunities for improvement. In 2023, a number of projects were identified as potential enhancements to VPL’s framework. Capacity within the privacy office and other VPL departments resulted in these projects being deferred. Compliance with FOIPPA has not been compromised as a result of the deferral. Projects included a review of VPL’s routine release of information practices, and developing off-boarding guidelines for exiting employees to ensure a consistent approach for managing business records. Staff anticipate completing these projects in 2024.

DISCUSSION

Access to Information Requests

FOIPPA gives individuals the right to request access to information held by public bodies. In 2023, the Library received four requests for information under FOIPPA. One request led to the applicant submitting a complaint to the Office of the Information and Privacy Commissioner (OIPC). Upon further review, additional records were discovered and sent to the applicant in advance of the case being assigned to an OIPC investigator. Following the discovery of the records, relevant staff were provided with additional training around the custody and control of records and release requirements.

Request	Applicant and Description	Status
FOI-2023-001	Patron – program information	Delegated to City of Vancouver
FOI-2023-002	Media – collection challenges	completed
FOI-2023-003	Patron – own information	completed
FOI-2023-004	Patron – facilities information	completed

Privacy Breaches

There were no privacy breaches in 2023. Staff training over the years has led to strong practices around the handling of personal and sensitive information. Staff skills related to digital transmission of information was further enhanced in 2023 through cybersecurity training led by the IT department.

FINANCIAL IMPLICATIONS

Development of VPL’s privacy management program, staff training, handling of privacy breaches, and processing the majority of access to information requests occurs within the operating budget.

FINAL REMARKS

The Library is currently meeting all its obligations under FOIPPA.