

BOARD REPORT

Date: January 4, 2023
Author: Dawn Ibey, Director, Central Library & Public Service
Phone No.: 604-331-4004
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TO: Vancouver Public Library Board
FROM: Dawn Ibey, Director, Central Library & Public Service
SUBJECT: 2022 Annual Privacy Update

SUMMARY

This report provides an update on activities in 2022 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 (FIPPA).

PURPOSE

This report is for information.

RECOMMENDATIONS

That the Board receive this report for information.

DEFINITIONS

Privacy Impact Assessment (PIA) is an assessment that is conducted by a public body to determine if a current or proposed enactment, project, program or activity meets or will meet the privacy requirements of Part 3 of FIPPA.

Privacy Officer is the staff member delegated by the Chief Librarian and CEO under section 66 of FIPPA to ensure VPL's obligations under the act are met. The Director, Central Library and Public Service serves as Privacy Officer.

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 their obligations under FIPPA, 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 policy that further ensures VPL meets FIPPA obligations in our operations. VPL has an administrative policy, Information Technology – Cloud Computing that provides a process for approval of the use of products that store data in the cloud, to ensure compliance with FIPPA.

INDIGENOUS CONSIDERATIONS

As part of the 2021 FIPPA 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

Public bodies, including the library, are obligated to comply with FIPPA. VPL collects and uses personal information in accordance with FIPPA to conduct library business and to evaluate, plan, and provide library services and programs. Ensuring compliance with FIPPA helps maintain the trust and confidence of our patrons.

BACKGROUND

Vancouver Public Library is committed to protecting personal privacy. Any personal information collected, used, or disclosed by Vancouver Public Library is done in accordance with FIPPA.

The B.C Freedom of Information and Protection of Policy Act was amended and received royal assent on November 25, 2021. Following review, very few changes to VPL policies and procedures were required, as the existing framework met or exceeded the requirements of the act.

Two changes that resulted in the need to consider existing procedures were the requirement for a privacy impact assessment (PIA) for all new programs, and the change to the requirement that all personal information be stored in Canada. The requirement for a PIA for new programs was introduced in 2022. In 2023, a Privacy Impact Assessment policy and additional training will be provided to staff to support their understanding of the requirement, and for completing PIAs. VPL maintains a conservative approach to data storage outside of Canada. Prior to the changes in 2021, VPL had a robust process in place for assessing products that store data outside of Canada. These procedures have proven sufficient for managing our risks and ensuring appropriate handling of personal information.

Details on the changes to the act were outlined in VPL's 2021 Annual Privacy Management Update [link], dated March 23, 2022.

DISCUSSION

Access to Information Requests

FIPPA gives individuals the right to request access to information held by public bodies. In 2022, the Library received two requests for information under FIPPA.

Request	Applicant and Description	Status
FOI-2022-001	Staff – own information – employment matter	completed
FOI-2022-002	Patron – own information – borrowing records	completed

Privacy Breaches

One minor privacy breach occurred in 2022. Staff self-reported their own error, demonstrating the effectiveness of VPL training.

Description	Individuals Impacted	Action Taken	Individuals Notified	Office of the Information and Privacy Commissioner Notified
Staff exposed patrons' emails by not using the bcc function	3 patrons	Review of procedures	Yes	Not required

Privacy Officer's 2023 Work Plan

Routine Release of Information

Under section 70 of the act, public bodies are required to release routine business information. VPL posts routine business information on its website for public review. Examples include Board agendas, minutes, and decisions; and VPL policies, annual reports, and statistical information. In 2023, staff will conduct a review to ensure that gaps do not exist in the library's information release program.

Staff Training

Ongoing staff training is key to ensuring compliance with VPL's policies and procedures related to privacy and compliance with FIPPA. In 2023, in addition to providing training in staff meetings, staff will consider how to best use the City of Vancouver's new learning management system to deliver privacy-related training.

Employee Off Boarding

The Privacy Officer will work with Human Resources and Information Technology Services to develop a guideline to ensure a consistent approach to managing the business records of departing employees.

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.