



MANAGEMENT REPORT

Date: May 6, 2016
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Meeting Date: May 26, 2016

TO: Library Board
FROM: Shelagh Flaherty, Director, Library Experience
SUBJECT: Protection of Privacy Policy - Proposed Revised Policy

SUMMARY

This report recommends a major revision to VPL's Protection of Privacy policy.

PURPOSE

This report is for decision.

RECOMMENDATION

That the Board adopt the revised Protection of Privacy policy.

CHIEF LIBRARIAN'S COMMENTS

The Chief Librarian concurs with the recommendation. Also, she would like to express her appreciation to Trustee Jennifer Chan who reviewed an early draft of the policy.

POLICY

Board approval is required for all amendments and revisions to Board policies. The proposed policy and current VPL Protection of Privacy policy are attached to this report.

STRATEGIC IMPLICATIONS

A clear protection of privacy policy is a part of the Library's privacy management program. The policy along with privacy guidelines and procedures is put in place to ensure that VPL is compliant with Freedom of Information and Protection of Privacy Act (FIPPA). It also

importantly supports the Library's core values of intellectual freedom and access for all, and, its mission as a free place for everyone to discover, create and share ideas.

BACKGROUND

All library users have the right to privacy as provided for in *FIPPA* with respect to the collection, use, and disclosure of their personal information. It is essential that VPL maintain the trust and confidence of its users and continue to encourage their use of the library's services and programs. As a public body, VPL has an obligation to responsibly manage personal information. VPL's Protection of Privacy policy has not been reviewed since 2007.

While the policy has not been reviewed in some time, staff have ensured that internal guidelines, procedures and practices are updated and changed as needed to ensure staff protects all personal information and that the Library is in compliance with FIPPA.

DISCUSSION

There are ongoing innovations, efficiencies, and opportunities available for designing and delivering service to library patrons that use personal information. Recent VPL examples are enhanced patron services such as VPL's eNewsletter, patron self registration for programs, and new digital products that require separate accounts with vendors to use a library collections. Each of these items necessarily refer to the Protection of Privacy policy.

Changes and updates to VPL procedures in recent month include:

- creating a consent processes for several digital products that require separate accounts;
- ensuring that VPL emails promoting programs, events, products, or services are in accordance with Canada's Anti-Spam Legislation requirements; and
- affirming VPL practices are compliant with Payment Card Industry (PCI) security standards.

In each case, staff reviewed current procedures for handling personal information and implemented new procedures to ensure protection of personal information.

Despite these procedural updates to ensure compliance with FIPPA, the current overarching Protection of Privacy policy is not up to date with the types of innovations listed above and thus requires updating. The aim in updating the policy is to have a high-level policy that both reflects VPL's legal obligations and does not unnecessarily restrict the Library's ability to gather and use information for conducting library business and planning.

In drafting the proposed policy, staff reviewed the Act, consulted tools provided through the Office of the Information and Privacy Commissioner (OPIC), and reviewed privacy policies from other public libraries. Further, they obtained advice and from City of Vancouver Legal Services and from the Office of the Information and Privacy Commissioner and consulted with other public libraries.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

FINAL REMARKS

A clear protection of privacy policy is essential to ensuring VPL meets its obligations under FIPPA and to building and maintaining the trust and confidence of Library users.



BOARD POLICY

SUBJECT: Protection of Privacy		
CATEGORY:	Community Relations	POLICY CODE: VPL-BD-CR-02-2016

Objectives

Vancouver Public Library (VPL) is committed to protecting personal privacy. Any personal information collected, used, or disclosed by Vancouver Public Library is in accordance with the B.C. Freedom of Information and Protection of Privacy Act (FIPPA).

All library users have the right to privacy as provided for in FIPPA with respect to the collection, use, and disclosure of their personal information. VPL will only collect, use, or disclose personal information about individuals in accordance with FIPPA.

It is essential that VPL maintains the trust and confidence of users and continues to encourage their use of library services and programs. VPL will make reasonable effort to ensure that personal information about users and their use of library materials, services, and programs remains confidential.

VPL collects and uses personal information in accordance with FIPPA to: conduct library business; to provide library services and programs; to evaluate, plan, and enhance services; and for library fundraising purposes.

Objectives of this policy are:

- To ensure that VPL complies with the spirit, principles, and intent of FIPPA in protecting the privacy of individuals' personal information;
- To ensure that individuals have access to their own personal information;
- To ensure that individuals' personal information retained by VPL is protected in compliance with the privacy provisions of FIPPA; and
- To ensure procedures are in place for ensuring VPL's service providers comply with relevant FIPPA obligations.

Scope

This policy applies to the VPL Board and staff.

Definitions

For the purposes of this policy the following definitions from the Freedom of Information and Protection of Privacy Act are used:

"contact information" means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;

"personal information" means recorded information about an identifiable individual other than contact information;

"service provider" means a person retained under a contract to provide services for a public body;

"third party," in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than

- (a) the person who made the request, or
- (b) a public body.

Policy Statements

1 Purposes for Which Personal Information May be Collected

VPL only collects personal information as permitted by FIPPA. The primary purposes for which VPL collects personal information is for the proper administration of library services and programs and the planning and evaluating of services and programs or purposes consistent with this. Such purposes include, but are not limited to, providing access to library materials, services and programs, room rentals, communications, collection of fines, fees and debts, fundraising, protection of VPL property, security of users and staff, and non-identifying statistical purposes.

2 Collection and Use

VPL collects and uses personal information in accordance with FIPPA to conduct library business, to provide library services and programs and to evaluate, plan and enhance services and programs.

Personal information will only be collected in accordance with FIPPA. Accordingly, except in the limited circumstances provided for in FIPPA, personal information about an individual will be collected directly from that individual. Individuals are informed of the reasons for collecting personal information at the time (or before) it is collected. In addition, at the time of collection (or before), individuals are informed of VPL's legal authority for collecting the information and the name, title, and contact information for VPL's Privacy Officer, responsible for ensuring compliance with FIPPA, to whom questions about the collection can be directed.

Unless an individual consents to some other use, personal information will only be used for the stated purpose for which it is collected. Personal information may be collected for uses such as: access to library materials, services, and programs; room rentals; communications; collection of fines, fees, and debts; fundraising; protection of VPL property; security of users and staff; non-identifying statistical purposes; and in the limited circumstances provided for in FIPPA.

VPL will take reasonable steps to ensure that the personal information held by it is accurate, complete, and up-to-date. VPL will correct an individual's personal information if it learns from the individual that the information is incorrect.

3 Protection of Personal Information

VPL uses reasonable security measures to protect against risks such as unauthorized access, collection, use, disclosure, or disposal of personal information. Measures include administrative, physical, technological, and operational safeguards that are appropriate to the nature and format of personal information.

VPL will not retain any personal information longer than necessary for the provision, evaluation, and planning of library services and programs, unless a longer period is required by law.

4 Access

Members of the public have access to their own personal information. Access to recorded personal information about a member of the public is provided to that individual upon verification of identity.

Individuals with complaints or questions about personal information can contact VPL's Privacy Officer. ([link to contact info](#))

5 Disclosure

VPL will not rent or sell personal information. VPL will not disclose personal information to third parties except in accordance with FIPPA with the following exceptions and any others included in FIPPA. Individuals with complaints or questions about personal information can contact VPL's Privacy Officer. (see link to contact above)

5.1 Minors

Minors have the same rights as adults with respect to their personal information. A parent or guardian may act for a minor in relation to specified sections of FIPPA.

5.2 Service Providers to the Library

VPL ensures that any service providers requiring access to personal information to deliver services on behalf of VPL treat personal information in compliance with FIPPA.

VPL will use personal information only for the purpose for which it was obtained or compiled, or for a use consistent with that purpose. VPL will not disclose personal information about individuals without their consent. Providing some library digital products and services may require that VPL shares personal information with a service provider and/or that an individual shares personal information to create a separate account with the service provider. When VPL offers digital products or services that require the user to share personal information or to create an account, VPL will implement a consent process.

VPL may disclose personal information to a collection agency or credit bureau for the purpose of collecting a debt.

5.3 Vancouver Public Library Foundation and Friends of the Vancouver Public Library

Provided an individual has consented to the disclosure, personal information may be disclosed to the Vancouver Public Library Foundation or Friends of the Vancouver Public Library for fundraising purposes.

5.4 Police/Law Enforcement

Personal information may be disclosed to comply with a subpoena, a warrant, or an order by a court, person, or body in Canada with the jurisdiction to compel the production of information, or to respond to a specific written request from a law enforcement agency to assist in a specific investigation, or as required by law.

5.5 Emergency Situations

VPL may disclose personal information under compassionate circumstances; for example, so that next of kin or a friend of an individual who is injured, ill, or deceased can be contacted.

6 Retention

VPL will not retain any personal information longer than necessary for the provision and planning of library services and programs, unless a longer period is required by law.

VPL may, however, retain personal information related to library services and programs when users opt in to allow the library to do so; for example, to enhance or personalize library services and programs.

Policy Administration Roles and Responsibilities

Chief Librarian	Responsible and accountable for VPL's compliance with FIPPA; may designate a Privacy Officer.
Privacy Officer	Responsible for ensuring compliance with FIPPA generally and managing the library's privacy practices. Oversees and updates the policy as required. (link to contact info).
SFHR Committee	Reviews policy and recommends changes to the Board as necessary.
Board	Approves policy and revision to the policy.
Management and Supervisory Staff	Responsible for administration and implementation of this policy, and responsible for ensuring that staff review the policy and are trained to ensure ongoing understanding in administering the policy within the scope of their duties.
Staff	Staff must fully comply with the provisions of FIPPA in administering the policy within the scope of their duties.

Related Policies

- Code of Conduct (Board Policy)
- Credit Card Handling (Administrative Policy)
- Computing and Telecommunications - E-mail Usage (Administrative Policy)
- Media Interview, Photographs and Video Opportunities (Administrative Policy)
- Remote Access (Board Policy)
- Video Surveillance (Board Policy)

Approval History

ISSUED BY:	Library Board	APPROVED BY:	Library Board	DATE:	yyyy/mm/dd	
REVISED BY:		APPROVED BY:		DATE:	yyyy/mm/dd	
REVISED BY:	Directors Group	APPROVED BY:		DATE:	yyyy/mm/dd	
DATE OF NEXT REVIEW		YYYY/MM/DD		REVIEW CYCLE	Years	



BOARD POLICY

Subject: Protection of Privacy	
Category: Board Policy	Policy Code: BD-L-2007

All library users have a right to privacy and confidentiality regarding the collection of personal information and the use they make of the Vancouver Public Library facilities, collections and web sites.

The release of such information would contravene the B.C. Freedom of Information and Protection of Privacy Act.

Personal information related to registration, such as name address, phone number, etc., and circulation records, including information that identifies materials checked out by a patron, will not be divulged voluntarily except to the patron.

The Library will retain a link between the patron record and items returned for up to 24 hours to assure material is complete and in good condition. The Library may store information in the patron database where in its opinion the information is required to answer patron questions, or to monitor possible abuse of the Library borrowing policy. Every effort will be made to minimize the amount of information stored.

The Library will keep no record of questions answered that are linked to a specific patron's name. Work notes used in answering the question will be divulged only to other library employees involved in working on the same question.

When a library user visits the Library's web site, information collected is used only to measure the number of visitors to different areas of the site. The address (IP) of the computer or internet provider and the date and time that the site was accessed are collected.

Personal information about a child will be released only with the written approval from the parent or legal guardian.

All information related to a library user may only be used by library employees working within the scope of their duties.

In accordance with provincial legislation, the Library is free to release relevant information to Interlink libraries or companies acting on the library's behalf for the collection of library property, unpaid fees, fines or other charges.

Library user addresses and phone numbers stored in the VPL database may not be given or sold to other organizations and may only be used for Library-only mailings when appropriate.

The Library will honour a court subpoena requesting release of personal information of a library user.

POLICY FRAMEWORK:

This policy is interpreted to include, but not restricted to, maintenance of privacy of the following information and transactions:

- all records identifying the names or ID numbers of library users
- all records identifying material the library user currently has out
- all records identifying library user overdue material can be used only for the retrieval of that material
- all reference questions
- all inter-library loan transactions
- all holds placed, trapped, or held
- all online searches and their results
- all items photocopied
- all items faxed to a particular library user
- all suggested purchases of library material submitted by library users
- all information pertaining to the identity of anyone conducting research on a particular subject
- any information pertaining to the borrowers of reference material

The same standards for protection of privacy apply to the staff **as users** of the Vancouver Public Library.

APPROVED BY LIBRARY BOARD:	November 23, 1994
REVISED:	October 22, 1998 June 25, 2003 July 10, 2007

Related Policies:	Computing and Telecommunications – E-mail Usage
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VANCOUVER PUBLIC LIBRARY

PROTECTION OF PRIVACY GUIDELINES

Approved by LMT November 14, 2002

(To be filed with the Protection of Privacy Policy in the Policy Manual)

GENERAL RESPONSIBILITIES

- Human Resources Department will assure that every new staff member receives a copy of the Protection of Privacy Policy during orientation and understands its contents.
- All supervisors are responsible for the implementation of this policy. Branch/Division/Section Heads will review the Protection of Privacy Policy in staff meetings to ensure continued understanding in enforcing the policy.
- The Protection of Privacy Policy and Guidelines should be available in each unit's Policy Manual and also available on the VPL Intranet.

STAFF RESPONSIBILITY

- The layout of circulation desks and placement of the work station should be done to minimize the accessibility to other members of the public of user information which appears on the computer screen.
- Staff must not leave information from a library user's record on any work station screen.
- Staff must not falsify their own record or alter the records of library users or other staff members by changing the name, address, or other component of the user record, or by checking out library materials in another staff person's name.
- Staff must not look in the library user History file unless they specifically require the information to fulfil their regular functions.
- Staff should be careful to respect the privacy of the library users when informing them of any blocks on their cards. Specific titles and other information should be provided in a situation which protects their privacy.
- Staff may examine and discuss the following information with staff members when it is an integral part of their job.
 - A library user's name (or whether an individual is a registered borrower or has been a library user)
 - Address, telephone number, fax number, or email address
 - A library user's circulation records and their contents.
 - The library borrower's records and their contents.
 - Library user's BURB file.

RIGHTS OF LIBRARY USERS

- Library users will be able to obtain information about their record with their library card number and PIN in the following manner:
 - By the interactive telephone messaging system (Telecirc).
 - In person in the library through the Public Access Computer (PAC).
 - In person from a library staff member by presenting their library card or by showing ID with name.
 - Through the VPL website
 - By telephone to a library staff member by having their library card number and verification of name and address.
 - By email to the Central Library Circulation Department with library card number and PIN.
- Library users will be encouraged to obtain the information they require through one of the automated methods but will not be denied personal service if they request it.
- Parents who have their child's juvenile library card and PIN may see the list of material their child has overdue.
 - If no card is present they must either be accompanied by the child or provide the name and birth date
 - If no child or card is present they must present identification to verify they are the child's parent/guardian.
- Request by parents to see the list of material borrowed, overdue or not, for their children age 14-18, who have an adult card must be referred to a supervisor for approval. (Libraries have traditionally treated adolescents as adults once they turn 14 and allow them to sign their own library card. However, adults are still responsible for their children's actions until the age of 19 and a parent's request to see such information would not unreasonably be denied.)

SPECIFIC AREAS

HOLDS QUEUE

- Staff may check the holds queue to determine what library users or staff are in the holds queue under the following circumstances:
 - Library users who are unable to do their own inquiries and have asked for a particular item to be checked.
 - Library users have brought forward complaints about their position in the queue.

HOLDS – PICKUP

- Staff may allow husbands, wives, children, or friends to pick up and check out holds for each other. The patron should indicate that s/he is picking up a hold for "name". The patron picking up the item should preferably have the other person's card. If not, the items must be checked out on the individual's own card. At locations with self-service holds pick-up, holds must be checked on the card the request was placed on.

HOLDS – TELEPHONE INQUIRY

- Telecirc notifies the borrower of a hold to pick up by telephone, email or regular mail. No title is given on the telephone, but the borrower may enquire by calling Telecirc. If caller is unable to access Telecirc, staff may tell the caller which household member requested the hold and with the correct library card and PIN, the title of the hold.

TELEPHONE TRANSACTIONS

- If the inquirer is unable to access or having trouble using Telecirc or the website connection, staff can do the following if the person has his/her library card number and PIN:
 - Verify over the phone the number of items outstanding, the due dates and titles
 - Inform the caller of the title of a hold
 - Renew items
 - Cancel holds, place holds, set holds to inactive
 - Report a lost card, update address/phone number
 - Discuss overdue notice information.

Note: In the case of the latter, some discussions may start on the phone but will require the person to come in person to discuss the details when the situation requires long detailed explanations and/or visual aids.

ADDRESS CHECK

- When doing an address check, staff should request the library user to state his/her current address, rather than stating the address in the database and asking for confirmation. As much as possible, this should be accomplished with consideration for the privacy of the library user.

FINES PAYMENT ON ANOTHER CARD

- If a library user wishes to pay fines on another account, Vancouver Public Library will accept the amount and make the corrections to the appropriate file. Information regarding the amount of fines owing will be given only when there is an indication that payment will be made. No other information regarding titles or overdue items, due dates, etc. will be given out.

FAX

- Staff can fax information on a patron's borrower record providing the patron has previously faxed his/her identification (**Central only**).

WRITTEN PERMISSION TO KEEP CIRCULATION RECORDS

- Staff must have written permission from library users if circulation records are to be kept on the user for purposes of assisting in the selection of materials, e.g. homebound patrons.

CREDIT BUREAU

- Branches can phone Central Circulation on behalf of library users in their Branch, for Credit Bureau information on their card.
- Library users can come to the Central Circulation Desk for Credit Bureau information on their card.
- Library users can also phone or fax Central Circulation for Credit Bureau information on their card, or can have the information faxed providing proper identification is supplied
- Information about a library user will not be given out to any member of the public, nor is the question whether or not an individual is a registered library user to be answered.

EXTERNAL REQUESTS FOR INFORMATION

- Requests by any agency or individual, including the police, for information from the database, must always be referred to the Director or designate, or in their absence another member of the Library Management Team.
- If the request is made when no member of senior management is available, no access to the database is to be given.
- No information will be given unless a court order or subpoena is provided. The subpoena should be referred to the Senior Management members mentioned above.

REFERENCE SERVICE - STATEMENT OF ETHICS

- The needs of library users must always be taken seriously and treated with utmost respect and confidentiality. Under no circumstances should there be any discussion of an individual or group of users, or of any transactions between user and library staff, outside of a professional context.
- It is recommended that Division Heads, Branch Heads, Unit Supervisors whose units are involved in the reference process, or the ILL process, should advise new staff of the confidentiality statement and the guidelines, and remind all staff, on an annual basis, of the confidentiality statement and guidelines.

REFERENCE SERVICES - GUIDELINES:

- Staff should put any printouts or notices with library user/staff information into the confidential recycling box.
- Reference questions should be treated confidentially and should not be displayed in public areas.
- Completed reference questions may be retained for 6 weeks, stored securely in a drawer, filing cabinet, etc. At the end of 6 weeks, questions should be shredded.
- Completed questions staff wish to retain for training/research purposes may be kept indefinitely; however, the patron's name and telephone number should be removed from the form.

- Mailed reference questions should be retained for 6 months, in case of need for follow-up. The public service unit retains the copy and the accompanying response material. After 6 months, this material should be shredded.
- If the question is required for training/research purposes, the patron's name and telephone number should be removed from the form.
- Accounting requires that records of financial transactions be retained for 10 years, and retains such records accordingly.
- Individual records of reference loans, and use of reference materials are not maintained, and should be shredded once the transaction is completed.
- Staff should destroy, subject to contractual agreements, paper records of inter-library loan transactions when the transaction is complete. Appropriate statistical information should be gathered to describe inter-library loan activity only without identifying individuals or titles.
- Staff should destroy paper records, subject to contractual agreements, of the titles of documents photocopied or telefaxed to library users. Appropriate statistical information should be gathered to describe photocopying or telefaxing activity only without identifying individuals or titles.

STAFF PROTECTION OF PRIVACY

- In all respects, staff have the same confidentiality and privacy rights as library users.
- Staff will only do inquiries into other library staff member records when it is an integral part of their responsibilities in circulating and retrieving materials.
- Staff who have material that is long overdue or that has been renewed more than the policy allows are to be approached directly by the appropriate Branch/Division and Section Heads in order to get the material returned.
- Staff who are attempting to get other staff to conform to current library policy regarding overdues, renewals, blocks, or number of items outstanding, where the staff member does not respond to individual contact, may approach the staff member's supervisor.
- Staff electronic mail is considered confidential and access is restricted to the sender and receiver except under certain conditions.