



## A Duty to Inform: Patron Information and Public Libraries in Ontario

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### What is personal information?

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- Identifying information
- Any information that is *linked* to identifying information



## Registration information

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- Contact information
  - Name
  - Address
  - Telephone
  - Date of birth
  - Etc.
- Demographic information
  - Age
  - Gender
  - Etc.

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## Internal records (linked)

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- Circulation
- Fines
- Interlibrary loan requests
- Holds
- Searches conducted for patrons
- Requests
- Program registration
- Internet access
- Internet use logs
- Etc...

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## Fair Information Practices

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- Notice/awareness
  - Collection
  - Use
  - sharing
- Choice/consent
  - Repurposing
  - Sharing

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- Access/participation
  - Know what is held
  - Correct errors
- Integrity/security
  - Free from unauthorized access
- Enforcement/redress
  - Ensure core principles are followed

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## Notice

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- Who is collecting the information
- How will the information be used
- Who has access to the information
- What information is collected
- Is the information required
- How is the information protected

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## ALA Privacy Toolkit

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- Privacy policies or notice should identify
  - The information that is protected by the policy
  - Who has access to the information
  - Specific conditions under which access may be granted
  - Policies for responding to warrants or subpoenas
- The library should also have provisions for notifying the public of the policy

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## Government regulation

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- Commercial organizations, in Canada
  - PIPEDA
- Governmental and not-for-profit, in Ontario
  - MFIPPA

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## Personal information -- MFIPPA

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- Demographic information;
- any identifying number, symbol or other particular assigned to the individual;
- the address, or telephone number;
- correspondence sent to an institution by the individual;
- the views or opinions of another individual about the individual, and;
- the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

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## The OPC view re: libraries

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- Commissioner has stated that, in the context of public libraries, personal information also includes:
  - information on a patron's borrowing habits
  - information related to one's computer use
    - sign-up sheets
    - information on any Internet use

(IPC, 2002).

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## Notice per MFIPPA

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- Provided at the time of data collection
  - legal authority for the collection;
  - The principal purpose or purposes for which the personal information is intended to be used;
  - The title, business address and business telephone number of an officer or employee of the institution who can answer the individual's questions about the collection.

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## Minimal notice (MFIPPA)

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- Provided at time of collection (e.g., with registration form)
  - Declaration that information is gathered under the authority of the *Public Libraries Act* for administrative purposes
  - Contact information for person responsible for privacy issues (privacy officer, CEO)

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The information on this form is collected under the authority of the Ontario Public Libraries Act R.S.O. 1990 for the administration of library operations. If you have any further questions on privacy, please direct them to the Chief Executive Officer of the library, at 519-111-1111.

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## Extended notice (ALA, FIPs)

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- Information collected
  - Including linked records
  - Information retention
- Information use
  - Declaration of all uses of the information
- Information sharing
  - Who has access
  - Who information is shared with
- Court order response
  - Process for responding to court order

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## Public libraries in Ontario

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- What information is collected?
- Do libraries meet MFIPPA guidelines?
- Do libraries provide extended notice as per ALA or FIPs?

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## Information collected

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- By more than 75%
  - Name
  - Address
  - Telephone
- Other information
  - Email (25%)
  - Alternate contact (20%)
  - Date of birth (10%)
  - Identification (e.g., driver's license number: 5%)

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## Registration records are linked to

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- |   |  |
|---|--|
| ○ Identifying information               | ○ Databases or other files or materials consulted by or on behalf of users |
| ○ Borrowing records                     | ○ Internet or online searches conducted by or on behalf of users           |
| ○ Outstanding fines and other fees      | ○ Customer comments submitted by users                                     |
| ○ Reference questions                   | ○ PIN number for Internet access   |
| ○ Inter-library loan transactions       | ○ Record of program attendance   |
| ○ Reserves                              | ○ Past reading history   |
| ○ Photocopied items                     |  |
| ○ Faxed items                           |  |
| ○ Suggestions for purchase of materials |  |

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## The most comprehensive disclosure of collection...

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- Identifying information
- Borrowing records
- Outstanding fines and other fees
- Reference questions
- Inter-library loan transactions
- Reserves
- Photocopied items
- Faxed items
- Suggestions for purchase of materials
- Databases or other files or materials consulted by or on behalf of users
- Internet or online searches conducted by or on behalf of users
- Customer comments submitted by users

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## What about MFIPPA?

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- Notice at time of collection?
  - Only 18% of libraries provide *any* notice at time of collection
- If notice is provided, does it
  - Identify the authority for collection?
    - 92% of those with notice, 17% of all libraries
  - Identify uses?
    - 77% of those with notice, 13% of all libraries
  - Identify a contact person?
    - 23% of those with notice, 5% of all libraries

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## The bottom line...

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- Only 5% of the libraries in our sample meet the minimal notice requirements as per MFIPPA!!!

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## Forget about MFIPPA...

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- Do libraries have privacy policies available to patrons?
  - 43% have at least one such document
    - 35% have a board policy accessible to patrons
    - 13% have a policy or notice intended for patrons
- Larger libraries are more likely to have policies

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## Do policies address use?

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- Half of the libraries with documents address use
- Larger libraries more likely to provide this detail
- Some uses are predictable
  - Circulation
- But others are not
  - fundraising

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## What about data retention?

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- 35% address retention
- Practices?
  - Many libraries deleted records when they are no longer required
  - Some libraries retain indefinitely
  - Most libraries do not provide a retention schedule

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## Data access and data release?

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- 29.4% address access
  - Identifying who has access to the information
- 75% address release
  - What third parties have access to the information
- 28% identify response to court order
  - 15% indicate legal counsel will be consulted
- 21% explicitly discuss release
  - E.g to guardian of a child, in compassionate circumstances.

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## Contact person?

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- Only 27% of those with policies identify a contact person
- Larger libraries are more likely to provide this information

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## The bottom line...

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- Ontario library patrons are unlikely to be able to find out
  - What personal information is collected
  - Who has access
  - How it is used
  - Whether the information is shared
  - How long it is retained
  - How the library will respond to a court order
  - Who to talk to about privacy concerns

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## What can you do?

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- Audit your information practices
  - Data collection
  - Retention
  - Access
  - Sharing
  - Use
- Ensure that your library has a patron privacy policy
- Make sure that the policy is provided to patrons at the time of registration

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## If you want to write a policy...

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- Find some good examples
  - Check larger institutions (e.g., Toronto Public Library)
- Consult with lawyers and privacy policy experts (e.g., the Ontario Privacy Commission)

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## Writing a good policy

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- Aim for a Grade 8 reading level
  - Short sentences
  - Short words

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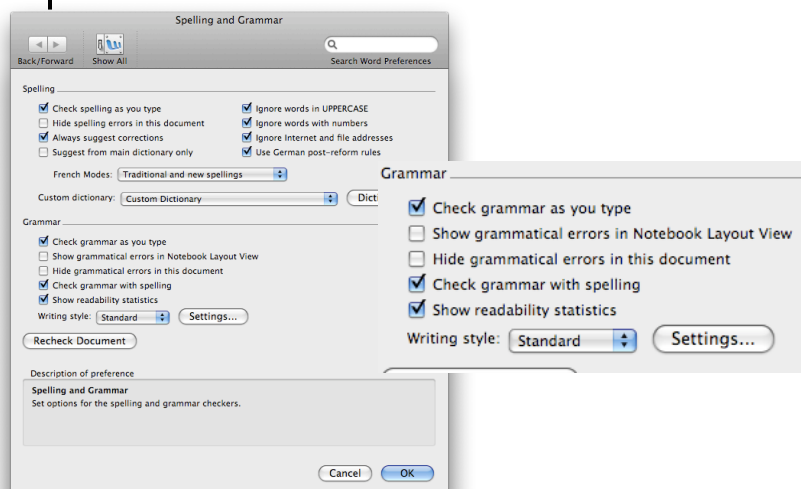
#### Use this:

We share information about our patrons such as age and gender only in the form of percentages. For example, we might report that 52% of our registered users are female.

#### Not this:

We share demographic information only in aggregate form.

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## Writing a good policy

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- Avoid double negative constructions

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### Use this:

We release patron information only in response to a valid subpoena or warrant.

### Not this:

We do not release patron information except in response to a valid subpoena or warrant.

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## Writing a good policy

- Use lots of white space to identify important passages and separate different ideas

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### Use this:

The public library collects personal information including

- name
- address,
- telephone number
- email address
- and other information as required.

For the purposes of conducting library business, this information is linked to

- borrowing records
- records of fines and other fees
- reference requests
- interlibrary loan requests
- reserves information
- problem patron reports
- searches conducted on behalf the the patron...

### Not this:

The public library collects personal information including name, address, telephone number, email address, and other information as required. For the purposes of conducting library business, this information is linked to borrowing records, records of fines and other fees, reference requests, interlibrary loan requests, reserves information, problem patron reports, searches conducted on behalf the the patron...

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## Writing a good policy

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- Use topic sentences to identify paragraph content
- Separate different ideas into different paragraphs
- Arrange information in a logical order
- Keep related information together

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### Use this:

The library collects identifying information at the time of registration. We link this personal information to circulation and other information.

Personal information will be released in response to a valid subpoena. The public library does not share personal information collected about patrons with any other parties.

We use this personal information only for internal library purposes.

### Not this:

The public library does not share personal information collected about patrons. We collect identifying information at the time of registration. The information will be released in response to a valid subpoena. The library links personal information to circulation and other information. We use this personal information only for internal library purposes.

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## Writing a good policy

- Use headings to provide organization and identify topics
- Headings formulated as questions tend to work best

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### This is better:

*What information do we collect?*  
We collect identifying information at the time of registration. We link this personal information to circulation and other information.

*When do we share your information?*  
We share your information with legal authorities in response to a valid subpoena. We do not share your information with any other parties.

*How do we use your information?*  
We use your information only for internal library purposes.

### Than this:

The library collects identifying information at the time of registration. We link this personal information to circulation and other information.

We share your information with legal authorities in response to a valid subpoena. We do not share your information with any other parties.

We use your information only for internal library purposes.

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## Writing a good policy

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- If your privacy policy is more than 1-2 pages, provide a table of contents
- Linked tables of contents are helpful in online documents

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## Other suggestions

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- Use the **active voice** and **personal pronouns** to make clear **who does the actions**
  - Use *We collect the following personal information*
  - Instead of *The following personal information is collected*
- Make **explicit the relations between ideas** through **conjunctions** and other **connectives**
  - Use *We are required by law to respond to a valid subpoena. We will release your personal information in response to a valid subpoena*
  - Use *We are required by law to respond to a valid subpoena. Therefore, we will release your personal information in response to a valid subpoena*

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## Finally...

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- We shouldn't be re-inventing the wheel
- Privacy considerations are largely consistent across public libraries
- Consider a systemic response:
  - Should OLA or CLA create a 'Privacy Toolkit' similar to the ALA resources?
  - What about providing model policies that meet regulatory principles and other considerations?
  - How about a 'policy development' checklist or workbook?