
Subject: Confidentiality of Personal Information about Patrons
Effective: December 2007
Revised: *March 2010; September 2011*

1.0 PURPOSE

This policy establishes standards to ensure the confidentiality of personal information about patrons and its use in the public library system.

2.0 APPLICATION

This policy applies to all New Brunswick Public Library Service (NBPLS) employees, volunteers and library trustees.

3.0 DEFINITIONS

Child or youth refers to an individual who is under 19 years of age.

Designate refers to the employee assigned to handle requests for patron personal information in the absence of the Library Employee in Charge.

Employee refers to permanent and temporary personnel in the public library system.

Library Employee in Charge refers to the Library Manager / Director of the library or Bookmobile Supervisor.

Personal information, as defined by the [Right to Information and Protection of Privacy Act \(RTIPPA\)](#), means recorded information about an identifiable individual, including but not limited to:

- a) the individual's name,
- b) the individual's home address or electronic mail address or home telephone or facsimile number,
- c) information about the individual's age, gender, sexual orientation, marital status or family status,
- d) information about the individual's ancestry, race, colour, nationality or national or ethnic origin,

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- e) information about the individual's religion or creed or religious belief, association or activity,
- f) personal health information about the individual,
- g) the individual's blood type, fingerprints or other hereditary characteristics,
- h) information about the individual's political belief, association or activity,
- i) information about the individual's education, employment or occupation or educational, employment or occupational history,
- j) information about the individual's source of income or financial circumstances, activities or history,
- k) information about the individual's criminal history, including regulatory offences,
- l) the individual's own personal views or opinions, except if they are about another person,
- m) the views or opinions expressed about the individual by another person, and
- n) an identifying number, symbol or other particular assigned to the individual

Public library board refers to the body corporate under the New Brunswick Public Libraries Act. See section 15 of the Act for roles and responsibilities of public library boards.

4.0 LEGAL AUTHORITY

[New Brunswick Public Libraries Act](#)

[Right to Information and Protection of Privacy Act](#)

[Civil Service Act](#)

22 Every deputy head and employee shall, upon appointment to the Civil Service, take and subscribe the following oath or make and substitute the following affirmation:

I, (A.B.) solemnly and sincerely swear (or affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Civil Service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. (In the case where an oath is taken add "So help me God".)

5.0 GOALS / PRINCIPLES

- 5.1 New Brunswick Public Library Service, as a public body defined under RTIPPA, is responsible for the personal information under its control. As such, all personal information under the control of NBPLS is managed according to and in respect of RTIPPA.
- 5.2 All library patrons, **regardless of age**, have the right to confidentiality in the use of their personal information and the right to privacy in their use of library programs, services and collections. These rights are fundamental to the development and maintenance of intellectual freedom.
- 5.3 In keeping with the Canadian Library Association's Statement of Intellectual Freedom:
- All persons have the fundamental right, as embodied in the nation's Bill of Rights and the Canadian Charter of Rights and Freedoms, to have access to all expressions of knowledge, creativity, and intellectual activity, and to express their thoughts publicly. This right to intellectual freedom, under the law, is essential to the health and development of society.
 - It is the responsibility of libraries to guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular or unacceptable. To this end, libraries shall acquire and make available the widest variety of materials.
- 5.4 While children are particularly welcome in public libraries and bookmobiles, parents are responsible for the choices their children make concerning the selection of materials and the use of library facilities and resources, as well as communicating with their children about those choices. Library employees should not breach a child's confidentiality by giving out information readily available to the parent from the child directly. Library employees should take great care to limit the extenuating circumstances in which they disclose such information (see section 6.3 of this policy).
- 5.5 In keeping with the Canadian Library Association's Code of Ethics Position Statement, library employees have the individual and collective responsibility to protect the privacy and dignity of all library users with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.

6.0 REQUIREMENTS / STANDARDS

6.1 COLLECTING PERSONAL INFORMATION ABOUT PATRONS

6.1.1 Personal information about patrons that is under the control of NBPLS, no matter the format, is used for the following purposes:

- To plan and develop library programs, services and collections to serve different segments of the population;
- To ensure the return of library material;
- To determine the usage of library programs, services and collections;
- To support the delivery of special library services (e.g. home library service and books by mail service);
- To schedule library programs and the use of services (e.g. computers, meeting rooms);
- To contact patrons about library promotions (e.g. programs, services, events and fundraisers). This may include solicitation for financial support in the form of donations to the New Brunswick Public Libraries Foundation. Patrons have the option not to receive information on these topics if they wish;
- To perform the normal functions required by employees during the course of their duties.

6.1.2 Patrons must be made aware of the specific use of their personal information, recorded in any form, by the employee or volunteer at the time the information is collected.

6.1.3 A printed information card or sheet will be provided at the circulation desk for patrons to help explain why personal information about patrons is collected and may be disclosed (see Appendix A).

6.1.4 Libraries will only collect personal information that is necessary for the fulfillment of the purposes outlined in 6.1.1.

- 6.1.5** Consent must be obtained each time the information is going to be used in a way that differs from the original purpose of the information as stated in 6.1.1.

6.2 SECURITY AND USE OF PERSONAL INFORMATION ABOUT PATRONS

- 6.2.1** The Library Employee in Charge is responsible for compliance with RTIPPA.
- 6.2.2** All employees must make an affirmation or oath of service in compliance with the [Civil Service Act](#) when they begin employment in the NB public library system.
- 6.2.3** Volunteers must make an affirmation or oath of office before they begin volunteer work in the NB public library system (see Appendix B).
- 6.2.4** Library trustees must make an affirmation or oath of office when appointed to a public or public-school library board (see Appendix C).
- 6.2.5** Only employees, volunteers and library trustees who are fully aware of the requirements for protecting personal information about patrons will be authorized to collect or have access to personal information.
- 6.2.6** Personal information about patrons, recorded in any format, will only be used by employees, volunteers or library trustees while working within the scope of their responsibilities.
- 6.2.7** Employees and volunteers will use discretion when:
- displaying books on hold in common areas for patrons to pick up. Minimal personal information should appear on the outside of the item to identify who the material is for;
 - personal information is visible on a computer screen (e.g. during a circulation transaction). The screen should not be visible to unauthorized persons, such as other patrons or employees/volunteers, who do not need access to that personal information;
 - answering questions, sending information (e.g. mailing, faxing or emailing) or leaving telephone messages for patrons. For example, postcards that identify the items being held or the materials overdue

must not be used unless they are mailed in a sealed envelope; telephone messages left with others or on answering machines should not disclose the title, subject of materials, or amount of fines or fees owed in order to respect the patron's right to privacy.

- 6.2.8** Employees and volunteers may maintain an archive of patron questions (paper or electronic). However, the questions must not link to an identifiable individual.
- 6.2.9** Any complaint or inquiry about the collection, use or accuracy of personal information about patrons is to be directed to the Library Employee in Charge.
- 6.2.10** In the event that the Library Employee in Charge wants to contact patrons (e.g. by telephone, mail or email) for the purpose of notifying them about specific services, programs, activities, fundraisers of the library or the library board, the Library Employee in Charge must fill out the Request Form for Patron Contact List Report (see Appendix D) and submit it to the Regional Director for approval. See Appendix E for regional office responsibilities in generating patron contact list reports.

6.3 DISCLOSURE OF PERSONAL INFORMATION ABOUT PATRONS

- 6.3.1** In accordance with RTIPPA, employees, volunteers and library trustees will not disclose personal information about patrons to any person, institution, association, board or agency unless they have the consent of the patron or they are authorized to do so under RTIPPA. Examples of when personal information about patrons **may** be disclosed include:

6.3.1.1 Family and Friends:

- To relieve a debt owed by the patron (e.g. a parent, spouse, or caretaker, etc. who wants to pay a library fine or fee on the patron's behalf);
- When there are compelling reasons to believe the health, safety or security of the public and/or patron may be at risk;
- To contact the patron's next of kin in an emergency situation (e.g. accident, injury or death);
- In all cases, only the minimum information needed will be disclosed.

6.3.1.2 Collection Agencies:

- When a collection agency is contracted by the library region to collect a debt owed to the library (e.g. library fines, fees, overdue or lost materials);
- In the event that a collection agency calls the library for information about a patron that is not related to a library initiated business, the personal information **will not be disclosed until a) the Library Employee in Charge and the Regional Director have been consulted; and b) the agency can provide evidence that they have a valid subpoena, warrant or other court order compelling the library to disclose the personal information;**
- In all cases, only the minimum information needed will be disclosed.

6.3.1.3 Communication with other libraries (within or outside NBPLS):

- To collect a debt owed by the patron (e.g. library fines, fees, overdue or lost materials). Only the minimum information needed will be disclosed.

6.3.1.4 Police

- To assist the police in an investigation:
 - The requesting Officer will fill out the Police Request for Information Form (see Appendix F)
 - The Library Employee in Charge (or designate) will review the Police Request for Information Form and determine in consultation with the Regional Director whether the information is necessary for the purposes requested; further, the Library Employee in Charge (or designate) and the Regional Director will determine whether the information would reveal intimate details of the patron's lifestyle and personal choices, and if so, remove this information. The Library Employee in Charge (or designate) will make any necessary changes;
 - Once the information is prepared, but before it is released, the Officer will fill out the Release of Information and Confirmation of Non-Disclosure Form (see Appendix G)
 - Once both forms are signed by all parties and in possession of the Library Employee in Charge (or designate), information will be released;

- In the event that this procedure does not provide the necessary information to the Officer in a timely manner, he/she would be better served by getting the necessary warrants.
- To comply with a subpoena, warrant or other order:
 - Upon being presented with a search warrant or other such court order, the Library Employee in Charge (or designate) will review it to determine its scope and ensure that only the information referred to in the search warrant or other court order is disclosed;
 - Whenever possible, the Regional Director will be advised before the release of the information, and when it would not constitute an impediment to the execution of the warrant or court order, the Regional Director will review the information to be obtained or seized before it is released;
 - When a warrant authorizes a search of the premises to obtain information with respect to an offence, the Library Employee in Charge (or designate) will place no impediment in the way of the police obtaining and seizing relevant information; the Library Employee in Charge (or designate) will facilitate the execution of the warrant, the Regional Director will be notified as soon as possible and will review the information to be seized if it will not constitute an impediment to the execution of the warrant. The person who executes a warrant may seize items not specified in the warrant where he/she believes such items will afford evidence.
 - If a production order is presented (i.e. an order under the Criminal Code or other Act to produce documents or certified copies of documents or data, or to prepare and produce a document based on documents or data already in existence), the Library Employee in Charge (or designate) will consult the Regional Director and determine whether it is appropriate to fill the order within the specified time or whether applying for an exemption is warranted;
 - If an application for exemption to a production order is recommended (e.g. the order would require production of privileged information, data or documents or material that is otherwise protected from disclosure by law; it would be unreasonable to require compliance; or, the Library Employee in Charge (or designate) does not have the

information, document or data sought), the Executive Director of NBPLS and the Justice Department will be contacted for further review and advice.

- In all cases, only the minimum information needed will be disclosed.

6.3.1.5 Social Workers and School Counsellors

- When there are compelling reasons to believe the health, safety or security of the public and/or patron may be at risk. **In all cases, personal information about patrons will not be disclosed until the Library Employee in Charge and Regional Director have been consulted.** Only the minimum information needed will be disclosed.

6.3.2 Employees, volunteers and library trustees are to consult the Library Employee in Charge (or designate) if in doubt regarding the authority to disclose personal information about patrons under RTIPPA.

6.4 RETENTION AND DISPOSAL OF PERSONAL INFORMATION ABOUT PATRONS

6.4.1 Personal information about patrons will be protected by safeguards appropriate to the sensitivity of the information and will be kept for as long as it is operationally relevant to the purpose for which it was collected. See Appendix H for a list of the types of personal information about patrons collected and the corresponding retention periods.

7.0 GUIDELINES / RECOMMENDATIONS

It is recommended that employees, volunteers and library trustees familiarize themselves with RTIPPA.

8.0 REGIONAL GUIDELINES AND PROCEDURES

In consultation with the Provincial Office, Regional Directors may develop additional guidelines and procedures consistent with and necessary to support this policy.



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9.0 REFERENCES

Civil Service Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

Code of Ethics. Canadian Library Association. (<http://www.cla.ca>).

New Brunswick Public Libraries Act. (<http://www.gnb.ca/0062/acts/acts-e.asp>).

Right to Information and Protection of Privacy Act.
(<http://www.gnb.ca/0062/acts/acts-e.asp>).

Statement on Intellectual Freedom. Canadian Library Association. (<http://www.cla.ca>).

Related NBPLS policies:

Policy 1007 – Advertising in Libraries or Bookmobiles.

Policy 1008 – Sponsorships.

10.0 CONTACTS FOR MORE INFORMATION

NBPLS Provincial Office, (506) 453-2354

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