

Pahkisimon Nuyeqáh Library System
POLICY
CONFIDENTIALITY OF PATRON RECORDS

STATEMENT OF INTENT

The Pahkisimon Nuyeqáh Library System, recognizing the right to privacy of library users, no matter their age, believes that records held in libraries which connect specific individuals with specific resources, programs or services, are confidential and not to be used for purposes other than routine record keeping: i.e., to maintain access to resources, to assure that resources are available to users who need them, to arrange facilities, to provide resources for the comfort and safety of patrons, or to accomplish the purposes of the program or service. PNLS recognizes that children have the same rights to privacy as adults.

CONDITIONS

Confidentiality extends to "information sought or received, and materials consulted, borrowed, acquired," and includes database search records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services.

If the record keeping systems used by PNLS reveal the names of users to the public, the Library System would be in violation of the confidentiality of user records as laid out in the Public Libraries Act.

Furthermore, these records shall also be regarded as confidential by library employees. The library records of library users shall only be accessed, or altered, when the user requests access to, or up-dating of, the information or when access to the record is essential for library business. Library employees will face disciplinary action if they violate this policy.

PNLS recognizes that law enforcement agencies and officers may occasionally believe that library records contain information which may be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the Canadian judicial system provides mechanism for seeking release of such confidential records through the issuance of a process, order, or subpoena.

"Records" means the records of a library, including: (a) Circulation records, showing use of specific library material by a named person; (b) The name of a library patron or (c) the address or (d) telephone number of the patron; or (e) email

“Information” means information sought or received by patrons, and materials consulted, borrowed, or acquired, and includes database search records, reference interviews, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, and services.

"Material" means collection resources, equipment, apparatus and supplies.

Notice and Openness

PNLS posts publicly the library's privacy and information-gathering practices. Whenever practices change we notify our users.

PNLS avoids creating unnecessary records. We avoid retaining records not needed for library business purposes, and we do not engage in practices that might place information on public view. This includes using examples in training materials.

Information we may gather and retain about current library users includes the following:

- Information required to register for a library card or use the Northern Saskatchewan Archives (e.g. name, address, telephone number, e-mail address, birth date.)
- Records of material checked out, charges owed, and payments made
- Electronic access information
- Requests for interlibrary loan or reference service
- Sign-up information for library programs.

Choice and Consent

PNLS will not collect or retain private and personally identifiable information without patron's consent. If the patron consents to give us their personally identifiable information, we will keep it confidential and will not sell, license or disclose personal information to any third party, except an agent working under contract to the library, without their consent, unless we are required by law to do so.

PNLS never uses or shares the personally identifiable information provided to us in ways unrelated to the ones described above without also providing the patrons an opportunity to prohibit such unrelated uses, unless we are required by law to do so.

If we make a service available for our patrons' convenience that may in some way lessen our ability to protect the privacy of their personally identifiable information or the confidentiality of information about their use of library materials and services, we will: 1.) Provide the patrons with a privacy warning regarding that service; and 2.) Make it possible for the patrons to "opt in" or "opt out" of that service.

User Access and Responsibility

Patrons are entitled to view their personally identifiable information and are responsible for keeping their information accurate and up-to-date. The library will explain the process for accessing or updating their information.

Data Integrity and Security

We take reasonable steps to assure data integrity.

We protect personally identifiable information by electronically purging or manually shredding data once it is no longer needed for library business purposes.

We have invested in appropriate technology to protect the security of any personally identifiable information while it is in the library's custody.

We ensure that aggregate, summary data is stripped of personally identifiable information.

We regularly remove cookies, Web history, cached files, or other computer and Internet use records and other software code that is placed on our computers or networks.

Parents and Children

We respect the privacy and confidentiality of all library users, no matter their age. For patrons under the age of 14, a parent must sign the library patron registration form and has access to the child's library records. Parents or guardians of a child over the age 14 who wish to obtain access to their child's library records must provide proof of consent by the child. Integrated library system records can be linked which would imply consent. Other guidelines are outlined in the SILS circulation policy.

Third Party Security

We ensure that the library's contracts, licenses, and offsite computer service arrangements reflect our policies and legal obligations concerning user privacy and confidentiality. Our agreements address appropriate restrictions on the use, aggregation, dissemination, and sale of that information, particularly information about minors.

When connecting to licensed databases outside the library, we release only information that authenticates users as registered Pahkisimon Nuyeḡáh Library System borrowers.

Nevertheless, users must be aware, when accessing remote sites, that there are limits to the privacy protection the library can provide.

Some users may choose to take advantage of RSS feeds from the library catalogue, public blogs, hold and overdue notices via e-mail or text message, and similar services that send personal information related to library use via public communication networks. These users must also be aware that the library has limited ability to protect the privacy of this information once it is outside our control.

Cookies

Users accessing the library's website will need to enable cookies in order to access a number of resources available through the library. Our library servers use cookies solely to verify that a person is an authorized user in order to allow access to licensed library resources and to customize Web pages to that user's specification. Cookies sent by our library servers will disappear soon after the user's computer browser is closed.

Security Measures

Our procedures limit access to data and ensure that those individuals with access do not utilize the data for unauthorized purposes. We limit access through use of passwords.

Staff Access to Personal Data

Library staff may access personal data stored in the library's computer system only for the purpose of performing their assigned library duties. Staff will not disclose any personal data we collect from the patrons to any other party except where required by law or to fulfil their service request. The library does not sell, lease or give users' personal information to companies, governmental agencies or individuals except as required by law or with the user's authorization.

Enforcement and Redress

If the patrons have a question, concern, or complaint about our handling of their privacy and confidentiality rights, the patrons may file written comments with the Director. We will respond in a timely manner and may conduct a privacy investigation or review of practices and procedures. We conduct such reviews regularly to insure compliance with the principles outlined in this document.

The Director is custodian of library records and is the only party authorized to receive or comply with public records requests or inquiries from law enforcement officers. The Director may delegate this authority to designated members of the library's management team. The Director confers with legal counsel and Saskatchewan Provincial Library before determining the proper response to any request for records.

We will not make library records available to any agency of provincial, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction, showing good cause and in proper form.

We train all library staff and volunteers to refer any law enforcement inquiries to the Director.

Illegal Activity Prohibited and Not Protected

Users may conduct only legal activity while using library resources and services. Nothing in this document prevents the library from exercising its right to enforce its Rules of Behaviour, protect its facilities, network, and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes. Staff is authorized to take immediate action to protect the security of library users, staff, facilities, computers and the network. This includes contacting law enforcement authorities and providing information that may identify the individual(s) perpetrating a violation.

PROCEDURES

1. Advise all library employees that circulation records and other records identifying the names of library users with specific materials shall not be made available to any agency of provincial, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, provincial, provincial, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.
2. The library staff member receiving a request to examine or obtain information relating to registration records or circulation records or other records identifying the names of library users, shall immediately refer the requestor to the Director.

(To prevent any misunderstanding, the staff member should avoid discussing with the person making the request what user information may or may not be available, or what the library can or cannot do.)

If the Director is not available inform the requestor when the Director will be available. If pressed to act sooner, contact the Director. In the event the Director cannot be reached, the Assistant Director is responsible for working with the requestor. If neither can be reached, the Financial Manager & Office Administrator is responsible for working with the requestor. If none of these are available, the requestor will have to wait until one of them can be reached.

3. The Director shall meet with the requestor of the information. If the requestor is a law enforcement officer, the officer must have a court order to receive the requested records. If the officer does not have a proper court order compelling the production of records, the Director shall refuse to provide the information.

The Director may explain the confidentiality policy and the Province's confidentiality law, and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the library.

4. If the records requested cover registration, circulation or other records protected under the Saskatchewan Public Libraries Act, and the Director is uncertain about whether the order or subpoena presented to the Director is sufficient to require release of the records, the Director may immediately consult with legal counsel to determine if such process, order, or subpoena is sufficient to require release of the records.
5. If any written request, process, order, or subpoena is not in proper form or does not otherwise appear to be sufficient to support releasing the records, the Director shall insist that such defects be cured before any records are released.
6. If the Director or the Director in consultation with the library's attorney determines that the order is sufficient and compels the release of the records, the Director shall release the records.
7. The Director will inform the Provincial Librarian of the requested action as soon as possible, without revealing the details of the request.
8. If the requestor is not a law enforcement officer and has not presented any type of court or administrative order requiring release of the requested information, the Director shall refuse to provide the requested records. The Director may explain the confidentiality policy and the province's confidentiality law.
9. The Director is authorized to take legal action (such as moving to quash a subpoena) to resist releasing requested registration, circulation or other records protected under the *Saskatchewan Public Libraries Act*, if the Director and the library's legal counsel deems such action to be appropriate.
10. Any threats or unauthorized demands (i.e. those not supported by a written request, process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Director.
11. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the Director.
12. Instances where staff members are found to be in violation of this policy, will be assessed by the Director or Personnel Committee (if the Director is not available), to determine if the breach was deliberate or by mistake. Appropriate action will be taken.

Created by the Personnel Committee: 22 August 2009

Reviewed by the Services & Standards Committee: 20 March 2015

Reviewed by the Executive Committee: 21 March 2015

Approved by the Board: 18 April 2015

Chairperson

Date

SCHEDULE A

Responsibilities Concerning Maintaining Confidentiality of Information

Responsibilities of the Pakkisonon Nuweḡáh Library System Board

- Keep informed about issues relating to library patron and user privacy and confidentiality.
- Be aware of applicable federal, provincial and local laws and regulations.
- Adopt appropriate policies.
- Provide the library administration with sufficient resources to develop procedures and provide staff training in support of policies.
- Understand and respect the library's organization and administrative hierarchy
- Understand the library's plan for routine and crisis communication.
- Be knowledgeable about techniques for dealing with the media.
- Be aware of the library's relationship to governmental agencies and officials. (elected and appointed) and to other organizations.

Responsibilities of Administrators

- Keep informed about issues relating to library patron and user privacy and confidentiality.
- Be aware of applicable federal, provincial and local laws and regulations.
- Inform and educate the Board about relevant professional, ethical and legal issues.
- Recommend privacy and confidentiality policies to the Board:
 - Ensure that knowledgeable legal counsel is consulted
 - Include relevant documents, laws and regulations;
- Make sure that all contracts with ILS (integrated library system) and other vendors are consistent and compliant with the library's policies.
- Conduct privacy audits.
 - Review and evaluate current practices and procedures.
- Develop guidelines and procedures in support of policies:
 - Define patron privacy and confidentiality.
 - Include relevant library policies.
 - Identify the type and nature of all records and files that contain library patron and user personally identifiable information.
 - Establish a schedule for the retention of records and files containing library patron and user personally identifiable information.
 - Create a chart of the library's organizational hierarchy, indicating:
 - Chain of command;
 - Staff members authorized to respond to requests for patron or user personally identifiable information.
 - Define and describe the type and nature of requests for personally identifiable information:
 - Informal

- Define the circumstances under which, the manner of and extent to which, patron and user personally identifiable information may be disclosed in person, over the phone or electronically.
 - Law enforcement
 - Detail the specific steps staff should follow in responding to investigatory requests for patron and user personally identifiable information from:
 - Local and provincial agencies;
 - Federal agencies.
 - Write a ready-reference card with a clear and concise description of the library's privacy policies
 - Make available to all staff.
- Be authorized to accept and comply with all investigatory requests.
- Keep abreast of news and information about privacy issues.
- Train all library staff on privacy and confidentiality issues, policies and procedures:
 - Specify what, how, when and which staff may respond to public, media or law enforcement requests for library patron and user personally identifiable information.
 - Examine staff practices and procedures on a regular basis for compliance with policies.
 - Evaluate training methods and effectiveness.
- Develop a routine and crisis communication plan:
 - Prepare an organizational chart/hierarchy of whom staff should contact.
 - Maintain current contact information.
- Designate a library spokesperson.
- Provide media training for Board members and key staff.
- Educate the public about issues of library privacy and confidentiality and the library's policies, practices and procedures to protect library patron and user personally identifiable information.
- Maintain contact with local, regional and national affinity organizations.
- Forge alliances with community groups.

Responsibilities of Supervisors

- Reinforce training to ensure that all staff have a basic understanding of the library's policies, practices and procedures.
- Monitor staff for compliance with library practices and procedures in their daily activities.
- Report flaws or failures of training or procedures to the Director.
- Be prepared to discuss privacy and confidentiality policies, practices and procedures with library patrons and users.

Staff Responsibilities

- Understand and follow library practices and procedures:
 - Apply equally to all library patrons and users regardless of age, origin, background or views.
 - Maintain privacy and confidentiality when assisting library patrons and users.
- Discuss matters of library patron and user personally identifiable information with other staff only when necessary for operational purposes:
 - Conduct discussions in non-public areas.
- Refrain from discussing matters of library patron and user personally identifiable information with friends, family or members of the public.
- Refer requests by the public, the media or law enforcement for access to, or view of, non-public computers, files or records to the Director.
- Direct all requests from law enforcement or government officials for library patron and user personally identifiable information to the Director.
- Keep confidential the source of any request or the nature of the information requested with staff, family, friends or members of the public.