

Annual Statistical Report to the Office of the Information and Privacy Commissioner (IPC) of Ontario.

Date:	March 23, 2009
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

This report will provide a summary of privacy and access related activities at TPL during 2008 and an overview of the statistical report submitted to the Ontario Information and Privacy Commissioner (IPC).

In addition, the Board requested that the Library report on security video surveillance; specifically, the number of requests for the disclosure of security video surveillance tapes to law enforcement agencies on an annual basis.

FINANCIAL IMPACT

The report has no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance & Treasurer has reviewed this Financial Impact Statement and is in agreement with it.

DECISION HISTORY

The Library is required to submit a statistical report to the Information and Privacy Commissioner (IPC) of Ontario on an annual basis. At its meeting on March 26, 2007, the Library Board requested staff to report on the annual report submitted to the Information and Privacy Commissioner of Ontario. The Library Board at its February 25, 2008 meeting requested that information concerning the number of times security videos are accessed by the police be reported annually to the Board.

ISSUE BACKGROUND

Since its establishment on January 1, 1988, the Information and Privacy Commissioner of Ontario has acted independently of government to uphold and promote open government and the protection of personal privacy in Ontario. The Information and Privacy Commissioner of Ontario deals with a variety of legislation that governs the area of access to information and protection of privacy.

The Toronto Public Library is governed by the Municipal Freedom of Information and Protection of Privacy Act (The Act). One of the IPC's functions is to annually gather statistics from municipal institutions, as defined in the Act, pertaining to inconsistent use of personal information in the institution's custody and the number of requests received for access to information, either personal information or general records.

The disclosure of security video surveillance tapes to a law enforcement agency is allowed under s.32 (g) of the Municipal Freedom of Information and Protection of Privacy Act. Only if personal information is used in a way that differs from the way it is normally used or disclosed (an inconsistent use), is the Library under obligation to report such disclosures to the IPC. Therefore, the number of times that security video surveillance tapes were disclosed is not reported in the annual statistical report to the IPC.

COMMENTS

Overview of Annual Report

The Toronto Public Library received six requests for access to records, and one request for access to personal information, for a total of seven access requests. In six of the seven instances, the request was completed within the 30 days as specified by the Act. One request required a time extension due to the volume of records to be reviewed, and consultations with external agencies. This time extension is allowed under the Act.

In two of the seven requests for information, some information was not disclosed in accordance with the exclusion provisions of MFIPPA. Information not released included: details of law enforcement investigations underway as a result of incidents in the Library; names of staff members identified in Library incident reports; and contractual information which would have released third party information and impacted the economic and other interests of the Library.

The Toronto Public Library did not disclose any personal information to third parties during 2008 that differs from the way that the information is normally used (e.g. by employees in order to perform their jobs) or disclosed (e.g. as permitted by the Act for law enforcement, health and safety reasons and compassionate reasons).

Routine Disclosure

The Library continues to routinely disclose information to the public. The TPL website provides a wide range of information that includes Library Board agendas, documents and minutes, and other detailed information about Library programs and services. Many informal requests for information from the Library are answered by referring requestors to the Library website.

Privacy Impact Assessments (PIA)

With the introduction of new electronic technologies, it is increasingly important that the Library conduct impact assessments to determine the level of privacy protection that Library users will have when using the technology or when providing their personal information.

The City of Toronto has recently begun the use of Privacy Impact Assessments and Library staff has received guidance and assistance from the City of Toronto's Corporate and Access and Privacy Division in understanding the PIA process and how it can be applied in the library context.

A Privacy Impact Assessment is an investigation of a system or procedure that collects, manages, uses, or disposes of personal information. It involves answering 130+ questions that are designed to bring to light as many potential privacy issues as possible. It is meant to highlight the strengths of the system and the opportunities for enhancing privacy compliance.

A Privacy Impact Assessment was conducted on the Integrated Library System (ILS) that includes the online catalogue and circulation system. The Privacy Impact Assessment for the ILS found the system to be in overall compliance with the privacy and access provisions of MFIPPA. A few issues were identified that require attention and will be addressed during the course of this year.

Privacy Compliance

In March 2007 the Library Board approved the Security Video Surveillance Policy which ensures that the Library is in compliance with privacy legislation in relation to security cameras. This policy also provided a framework for all current and future proposed video use at Library properties to ensure compliance with MFIPPA. During 2008 there were nine disclosures of security video tapes to the police, all of which were done in compliance with MFIPPA.

An essential element of privacy protection is records management. City Council approved the Library's Records Retention Schedule in 2006. Currently the Library is implementing its records management plan throughout the system, thereby ensuring that the records retention schedule is being adhered to and determining whether any changes to the schedule are required. This work will continue for the most part of 2009.

The Library continues to review all forms in use that collect personal information. A Notice of Collection is now a standard feature on all such forms. Staff training in privacy protection and records management has been under review during the course of 2008 and new training sessions will be rolled out to staff during 2009.

CONTACT

Vickery Bowles; Acting Director, Corporate and Service Planning, Policy, Projects and City-wide Services; Tel: 416-395-5602; Fax: 416-393-7083;
E-mail: vbowles@torontopubliclibrary.ca

SIGNATURE

Jane Pyper
City Librarian