



Whitby Public Library

Collection and Disclosure of Personal Information Policy

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Collection of Personal Information

The Library shall not collect personal information about users unless it is authorized by the **Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA")**, necessary for law enforcement, or necessary for the proper administration of the Library and the provision of Library services. If information is collected from users, they shall be informed of the authority for the collection and the purposes for which the information is to be used and the name of an officer of the Library who can answer questions.

Disclosure of Personal Information

The Library shall not disclose personal information concerning its users except in certain circumstances, such as if the disclosure is to a law enforcement agency in Canada to aid in an investigation undertaken with a view to a law enforcement proceeding, or circumstances affecting the health or safety of an individual or in compassionate circumstances.

Where the request for disclosure of personal information comes from law enforcement, the Library must carefully consider the request before deciding whether to release any information. The Library should be satisfied that the request is for specific information is related to a specific investigation, and whether releasing the information could intrude on a reasonable expectation of privacy.

The following should be considered:

- the nature of the investigation;
- the relevance of the information to the investigation;
- the sensitivity of the information;
- the number of individuals the information relates to;
- the period of time covered by the request; and,
- the number of events the information relates to.

If the Library determines disclosing the information would intrude on a reasonable expectation of privacy, the information should not be disclosed without a court order. The only exception is where there are urgent circumstances which do not allow the time to seek a court order. In this case, law enforcement must explain why it's not possible to get the court order in these circumstances, which may include cases involving a kidnapping, an escaped violent offender, or a missing vulnerable person where time is of the essence.

The Library may also, at its own discretion, share personal information relevant and necessary for a potential investigation with law enforcement if it reasonably believes an offence has occurred. The Library may also disclose information to law enforcement where there are compelling concerns about someone's health or safety, having considered the likelihood of harm occurring, the severity of the harm, how soon the harm might occur, and where the disclosure is reasonably likely to reduce the risk of harm to the individual. In both instances, the Library will only disclose enough information to aid in an investigation or reduce the risk of harm.

Where the Library has disclosed personal information for health and safety reasons, the Library must make reasonable efforts to notify the person whose information was disclosed. In all other cases, the Library will consider notifying the person of the disclosure, unless such notification would interfere with an active law enforcement investigation or could cause significant harm.

Police requests for disclosure of personal information, or Library Staff concerns regarding voluntary disclosures for health and safety or legal offence issues, should be directed to the Corporate Services Director (or management designate) or Library CEO who may consult with the Library's legal counsel. Disclosure of Personal Information forms are to be completed by the Police and the Corporate Services Director (or management designate) or Library CEO.