

Report to/Rapport au :

**OTTAWA PUBLIC LIBRARY BOARD
CONSEIL D'ADMINISTRATION DE LA BIBLIOTHÈQUE PUBLIQUE
D'OTTAWA**

**February 10, 2014
Le 10 février 2014**

**Submitted by/Soumis par : Danielle McDonald
Chief Executive Officer / Directrice générale**

*Contact Person / Personne ressource: Matthew Pritz
(613) 580-2424 x12727, Matthew.Pritz@BiblioOttawaLibrary.ca*

Ref N°: OPLB-2014-0018

SUBJECT: Monitoring Report A.21 Confidentiality of Information

OBJET : Rapport de contrôle A.21 Confidentialité de l'information

REPORT RECOMMENDATION

That the Ottawa Public Library Board receive this monitoring report for information.

RECOMMANDATION DU RAPPORT

Que le C.A. de la Bibliothèque publique d'Ottawa prenne connaissance de ce rapport de contrôle, à titre d'information.

Executive Limitations Policy A.21, Confidentiality of Information was approved by the Ottawa Public Library Board April 14, 2003 and was revised April 12, 2010. It states:

With respect to interactions with library board members, library or City staff, city councillors or the public, the CEO shall ensure appropriate confidentiality of information. Library Board members shall maintain confidentiality on those matters reviewed and discussed in camera and on documents relating to in camera discussions as prescribed in the Public Libraries Act, R.S.O. 1990, or

otherwise marked confidential.

Accordingly, the CEO shall:

1. Ensure the existence of written policies on confidentiality of information which specify

- a. the types of information that must be kept confidential,*
- b. the security measures needed to maintain confidentiality, and*
- c. who may see the confidential information.*

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) governs much of the information that the Library collects. Privacy and Access policies have been adopted internally. Pertinent information regarding MFIPPA has been posted on OPL's website. All new members are required to read the OPL's Privacy Statement, and the appropriate box is ticked in the integrated library system indicating members have been informed of their privacy rights.

Further, the *Public Libraries Act* outlines what types of information must be discussed in camera; thereby influencing what types of documents must remain confidential at the Board level. These include: the security of the property of the board; personal matters about an identifiable individual; a proposed or pending acquisition or disposition of land by the Board; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals affecting the board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a matter in the respect of which a Board or committee of a Board may hold a closed meeting under another Act. When such topics arose, discussions were held in-camera.

It should be noted that the *Municipal Act 2001*, permits any member of the public to request an investigation into whether a municipality or local Board has complied with the open meeting requirements or the procedural bylaw relating to any meeting or part of a meeting that was closed to the public.

See <http://www.ombudsman.on.ca/Investigations/Municipal-Meetings.aspx?lang=en-CA> for details.

Confidential information of any nature is provided on a need-to-see basis only as per library policies (e.g. access to employee files; confidential e-mail disclaimer; disclosure of personal information to law enforcement officers, etc.)

I report compliance.

2. Ensure that staff members are equipped with the necessary training to understand and respect policies on confidentiality of information.

Designated staff received training on items pertaining to the MFIPPA legislation, the Library's obligation under that act and the need for compliance. Circulation employees also receive training upon hiring as to the need to protect the information that is retained in the Integrated Library System (the biggest database of personal information). All employees have access to privacy and confidentiality related policies on the Library's Intranet (searchable by keyword). Since 2011, OPL Managers are required to do an annual review with their staff of the Employee Code of Conduct that includes a section on confidentiality.

I report compliance.

3. Ensure that the library board members understand what information is confidential and therefore restricted "for Library Board eyes only." If the CEO becomes aware that the Library's rules of confidentiality have not been respected, she/he must advise the Chair and the Vice-Chair in writing as soon as possible.

As part of the orientation process, Board members receive information that outlines its responsibilities pertaining to private and confidential material. Examples include: the *Public Libraries Act 1990*, which defines when meetings may be held in camera; the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, which outlines the practice of collection, use, retention and disclosure of personal information; and copies of related OPL Board policies. Confidential items discussed at the Board meetings are marked "confidential" to flag the confidential nature of reports and documents.

I report compliance.

4. *Ensure that all confidential documents and correspondence are clearly marked as confidential on every page.*

The word “confidential” is printed in the header of each page of a confidential report.

I report compliance.

I hereby present my monitoring report on executive limitation policy A.21, Confidentiality of Information. I certify that the information contained in this report is true.

Original signed by

D. McDonald, CEO

Signed: _____ Date: January 27, 2014