

### MEM-1 : Responsibilities of Membership

Board Motion Number : 6

Date of Original Motion: June 15, 2005

Fair and equal access to library services and materials by all members of the library depends on the fair use of such services and materials by library users. Members have certain responsibilities and a library member shall:

- be responsible for all materials borrowed with his/her card and agree to abide by the regulations of the County of Prince Edward Public Library
- present the library card each time materials are borrowed
- pay all fines or charges incurred for overdue, damaged or lost materials
- observe all policies set by the board as authorized by the Public Libraries Act
- report the loss of a card or change of address as soon as possible

Parents or guardians of members under the age of 12 are responsible for their children's borrowing and behavior with respect to observance of board policy.

The Chief Executive Officer is authorized by the board to withhold library privileges to anyone refusing to comply with board policy. The use of the library or its services may be denied for due cause. Such cause may be failure to return borrowed materials or to pay penalties; destruction of library property; disturbance of other patrons after a warning by library staff has been given and ignored by the user; or any other conduct on library premises considered objectionable by library staff.

#### **Confidentiality of Patron and Circulation Records**

The Public Libraries Act, R.S.O 1990, Chapter P44 states in section 28 that “ *A person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of a board's secretary [except where the] information ... identifies an individual user of library services by name or makes him or her readily identifiable by any other means.*”

Numbers will be used to identify the borrower rather than using the person's name on borrower records. Only the library staff will know the name of a person assigned to this number. Membership applications must clearly state what the patron information is used for and why it is collected.

The County of Prince Edward Public Library adheres to its legal responsibility to protect the rights of the Library's members to privacy. In order to achieve the mission of the Library, and to encourage the uninhibited use of the Library's services, library members must be confident that the personal information they entrust to the Library remains confidential. The County of Prince Edward Public Library abides by the provisions of the *Public Libraries Act, R.S.O. 1990, Chapter P. 44* and the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56*.

**Definition:**

A 'record' means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary materials, regardless of physical form or characteristics, and any copy thereof, and
- b) subject to the regulations, (made under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56, s. 2(1); 1997, c. 25, Sched. E, s. 8; 2000, c. 26, Sched. J, s. 2*), any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

The Library's confidential patron information includes, but is not limited to:

- All records identifying the names, addresses, contact information, or identification numbers of library members
- All records identifying the materials borrowed by any library member
- All outstanding financial account balances
- All reference questions asked by a library member
- All inter-library loan transactions
- All reserves placed, caught or held
- All items photocopied for library users
- All items faxed to library users
- All suggestions for purchase of library materials submitted by library users
- All databases and other files or materials consulted by, or on behalf of, library users
- All Internet, or other online searches conducted by, or on behalf of, library users.
- All customer comments submitted by library users

The confidential information of library members will not be released to any person, other than the library member, or his/her legal guardian, in the case of a juvenile member, or to any institution or agency for any reason save as may be required by Federal or Provincial legislation.

Requests for information from patron records by police and/or government officials shall only be provided on the presentation of a warrant. The CEO or his/her designate shall consult the Library Board's solicitor to ensure that the warrant is properly executed and to seek further advice. When appropriate, information shall be given only to the extent stated in the warrant.

**Rights of Library Users**

- Library members are able to obtain information from their patron record:
  - In person by presenting his/her library card or by showing identification with their name and address;

By telephone to a library staff member by having his/her library card number and verification of address and/or telephone number.

- Library members are entitled to know:
  - a. What information is recorded in their patron records
  - b. What materials are charged out to them
  - c. The outstanding balance of their financial accounts, if any
  - d. The status of reserves placed on their behalf
- Library members are entitled to ask that information in their records be corrected.
- Parents of children who have a juvenile library card may see the list of material their child has overdue. The parent must come in person; either be accompanied by the child or present the child's library card to verify that they are the child's parent/guardian. Requests by parents to see the list of material overdue for children who have an adult card must be referred to the Chief Executive Officer (CEO). (At the discretion of library staff)
- Library users are to be given a copy of this policy if there is a concern about privacy of information or if a user has been refused access to confidential information as a result of this policy.

### **Rights of the Library**

- Nothing in this policy prevents the appropriate library staff from using Library members' information in order to conduct the legitimate business of the Library. This includes, but is not restricted to, the circulation of materials, the collection of outstanding financial accounts, and issues related to the banning of patrons.
- Library members' addresses may not be given or sold to other organizations and may only be used for mailings by the County of Prince Edward Public Library or associated Friends groups upon the appropriate motion of the County of Prince Edward Public Library Board.
- When a patron provides the library card of another borrower, Library staff will assume that person has been given the authority to act as an agent of that user, and will be given any information about the patron's record (books borrowed, etc) as requested. This means that patrons are responsible for keeping their own card safe.
- The Library will retain the name of the last borrower of Library material and this information will only be used by the appropriate Library staff members in order to conduct legitimate business of the Library such as billing for materials that have been damaged by the most recent borrower.