
COLLINGWOOD PUBLIC LIBRARY

Collingwood – August 29, 2007

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1. Children, Libraries & the Law
 2. Protection of Privacy
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By U. Shen Goh, LL.B., LL.M., Trade-mark Agent

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MUNICIPAL FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT
(MFIPPA)

1. The purposes of this Act are,

(a) to provide a right of access to
information under the control of institutions
in accordance with the principles that,

- (i) information should be available to the public,
- (ii) necessary exemptions from the right of access should be limited and specific, and

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(iii) decisions on the disclosure of
information should be reviewed
independently of the institution
controlling the information; and

(b) to protect the privacy of individuals with
respect to personal information about
themselves held by institutions and to provide
individuals with a right of access to that
information.

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2. (1) In this Act, “personal information” means recorded information about an identifiable individual, including,

(a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

(c) any identifying number, symbol or other particular assigned to the individual,

(d) the address, telephone number, fingerprints or blood type of the individual,

(e) the personal opinions or views of the individual except if they relate to another individual,

(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

(g) the views or opinions of another individual about the individual, and

(h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

28.(1) In this section and in section 29, “personal information” includes information that is not recorded and that is otherwise defined as “personal information” under this Act.

29.(1) An institution shall collect personal information only directly from the individual to whom the information relates unless,

(a) the individual authorizes another manner of collection;

30.(1) Personal information that has been used by an institution shall be retained after use by the institution for the period prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the personal information.

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31. An institution shall not use personal information in its custody or under its control except,

(a) if the person to whom the information relates has identified that information in particular and consented to its use;

(b) for the purpose for which it was obtained or compiled or for a consistent purpose;

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32. An institution shall not disclose personal information in its custody or under its control except,

(a) in accordance with Part I;

(b) if the person to whom the information relates has identified that information in particular and consented to its disclosure;

(c) for the purpose for which it was obtained or compiled or for a consistent purpose;

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21.(1) A head shall give written notice in accordance with subsection (2) to the person to whom the information relates before granting a request for access to a record,

(a) that the head has reason to believe might contain information referred to in subsection 10(1) that affects the interest of a person other than the person requesting information; or

(b) that is personal information that the head has reason to believe might constitute an unjustified invasion of personal privacy for the purposes of clause 14(1)(f).

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54. Any right or power conferred on an individual by this Act may be exercised,

(c) if the individual is less than sixteen years of age, by a person who has lawful custody of the individual.

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PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT (PIPEDA)

4. (1) This Part applies to every organization in respect of personal information that

(a) the organization collects, uses or discloses in the course of commercial activities; or

(b) is about an employee of the organization and that the organization collects, uses or discloses in connection with the operation of a federal work, undertaking or business.

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2. (1) the definitions in this subsection apply in this Part;

“personal information” means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.

“commercial activity” means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising list.

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PROTECTION OF PRIVACY

- Do children have a right to privacy?
- What are the library’s obligations in collecting and using children’s membership information?
- Are libraries subject to MFIPPA and/or PIPEDA in dealing with children?

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