



NEW BRUNSWICK PUBLIC LIBRARY SERVICE

POLICY 1068

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**Subject:** Donor Privacy  
(Protection of Personal Donor Information)  
**Effective:** April 2019  
**Revised:**

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**1.0 PURPOSE**

This policy establishes standards to ensure the protection of personal information about donors and potential donors of the New Brunswick Public Library Service, New Brunswick Public Libraries Foundation (Foundation), Friends of the New Brunswick Public Libraries Foundation (Friends), and for local public library groups, in keeping with best practices and relevant legislation of the public library system.

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**2.0 APPLICATION**

This policy applies to all New Brunswick Public Library Service (NBPLS) employees, volunteers and public library board members.

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**3.0 DEFINITIONS**

**Donor** means a person or organization that makes a donation of property.

**Employee** refers to permanent and temporary personnel in the public library system.

**Employee in Charge** refers to either the Library Manager / Director of the library or the Regional Director, or their designate.

**Executive Director (“ED”)** means the Executive Director of the New Brunswick Public Library Service or their designate.

**Foundation** means the New Brunswick Public Libraries Foundation designated under the *New Brunswick Public Libraries Foundation Act*.

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**Friends** means the Friends of the New Brunswick Public Libraries Foundation Inc. designated as a registered charity and a public foundation by the Canada Revenue Agency.

**New Brunswick Public Library Service (“NBPLS”)** refers to the employees, volunteers and library board members of the New Brunswick Public Library Service.

**Personal information**, as defined by the [Right to Information and Protection of Privacy Act](#) (RTIPPA), means recorded information about an identifiable individual, including but not limited to:

- a) the individual’s name,
- b) the individual’s home address or electronic mail address or home telephone or facsimile number,
- c) information about the individual’s age, gender, sexual orientation, marital status or family status,
- d) information about the individual’s ancestry, race, colour, nationality or national or ethnic origin,
- e) information about the individual’s religion or creed or religious belief, association or activity,
- f) personal health information about the individual,
- g) the individual’s blood type, fingerprints or other hereditary characteristics,
- h) information about the individual’s political belief, association or activity,
- i) information about the individual’s education, employment or occupation or educational, employment or occupational history,
- j) information about the individual’s source of income or financial circumstances, activities or history,
- k) information about the individual’s criminal history, including regulatory offences,
- l) the individual’s own personal views or opinions, except if they are about another person,
- m) the views or opinions expressed about the individual by another person, and
- n) an identifying number, symbol or other particular assigned to the individual.

**Public library board** refers to the body corporate under the [New Brunswick Public Libraries Act](#).

**Public library board member** means a duly appointed member of a local public library board of the New Brunswick Public Library Service, as per the [New Brunswick Public Libraries Act](#).

**Local public library group** refers to a local, community-based group that provides support to local public libraries, such as the Friends of the Public Library.

**Volunteer** means a person who is directly supervised by the New Brunswick Public Library Service to perform tasks without wages, benefits or any form of compensation. A volunteer may be a current NBPLS employee using their personal time (outside of their working hours), a previous NBPLS employee or a retired NBPLS employee. A volunteer does not refer to library guest speakers or individuals with an organization (e.g. early literacy educators) who partner with the library to provide a program in the library.

Within the scope of this policy, a volunteer does not refer to the members of public library boards in their duties as members.

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#### 4.0 LEGAL AUTHORITY

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[New Brunswick Public Libraries Act](#). Government of New Brunswick.

[Right to Information and Protection of Privacy Act](#). Government of New Brunswick.

[Civil Service Act](#). Government of New Brunswick.

[Canada's Anti-Spam Legislation \(CASL\) - An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act \(S.C. 2010, c. 23\)](#). Government of Canada.

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#### 5.0 GOALS / PRINCIPLES

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- 5.1 The New Brunswick Public Library Service (NBPLS) recognizes the value of its relationships with donors and potential donors and is committed to respecting and protecting their personal information. As such, all personal donor information under the control of NBPLS is managed according to and in respect of the [Right to Information and Protection of Privacy Act](#) (RTIPPA).
- 5.2 This policy provides information about how NBPLS collects, uses, discloses and protects the personal information of donors and potential donors, and explains how to contact NBPLS regarding the retention, deletion and disposal of personal information or compliance with this policy.

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## 6.0 REQUIREMENTS / STANDARDS

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### 6.1 COLLECTING PERSONAL INFORMATION ABOUT DONORS

6.1.1 Personal information about donors, no matter the format, is used for the following purposes:

- To solicit financial support in the form of donations;
- To identify donors and potential donors and help them meet their philanthropic needs;
- To process donations and issue official donation receipts (also referred to as “tax receipts”) where applicable;
- To share information or materials (i.e. brochures, donation forms) requested by individuals;
- To keep individuals informed and up-to-date on activities and library promotions (e.g. programs, services, events and fundraisers);
- To direct donor gifts in the manner in which donors choose;
- To recognize donors’ philanthropic activities;
- To comply with federal and provincial legislation and regulatory guidelines and reporting requirements;
- To deliver programs and services and perform the normal functions required to carry out NBPLS business.

6.1.2 Donors must be made aware of the specific use of their personal information, recorded in any form, at the time the information is collected.

6.1.3 Employees, public library board members and volunteers will only collect personal information that is necessary and reasonable for the fulfillment of the purposes outlined in 6.1.1.

6.1.4 Any use for a new purpose, one that is not outlined in 6.1.1, will require new consent from the donor, unless the new purpose is one that is required by law.

- 6.1.5 A donor may withdraw their written permission to collect, use and disclose their personal information at any time, subject to legal and contractual restrictions and reasonable notice.
- 6.1.6 NBPLS may collect, use, and disclose personal information without consent if that information is collected from public sources including telephone and professional directories, newspapers, periodicals, public registries and the internet.

## 6.2 SECURITY AND USE OF PERSONAL INFORMATION ABOUT DONORS

- 6.2.1 NBPLS makes every reasonable effort to protect personal donor information against unauthorized access and to maintain the accuracy of proper use of the information by means of appropriate physical, technical and organizational measures.
- 6.2.2 Methods of information protection include physical measures (e.g. locked filing cabinets, restricted access to offices), organizational measures (e.g. security clearances and limiting access on a 'need to know' basis) and technological measures (e.g. the use of security passwords and encryption).
- 6.2.3 All employees, volunteers and public library board members are responsible for compliance with RTIPPA.
- 6.2.4 The Employee in Charge is responsible to maintain custody of all donor records created.
- 6.2.5 Under no circumstances will NBPLS rent, trade or sell any personal information about individuals in its possession (i.e. donor lists).
- 6.2.6 All employees must make an affirmation or oath of service in compliance with the New Brunswick [Civil Service Act](#) when they begin employment in the NB public library system.
- 6.2.7 Public library board members must make an affirmation or Oath of Office when appointed to a public or public-school library board (see [NBPLS Policy 1060 – Confidentiality of Personal Information about Patrons, Appendix D](#) for form).
- 6.2.8 Volunteers must make an affirmation or oath of office before they begin volunteer work in the NB public library system (see [NBPLS Policy 1060 –](#)

[Confidentiality of Personal Information about Patrons, Appendix C](#) for form).

6.2.9 Only employees, public library board members and volunteers who are fully aware of the requirements for protecting personal information will be authorized to collect or have access to personal information about donors.

6.2.10 Personal information recorded in any format, will only be used by employees, public library board members or volunteers while working within the scope of their responsibilities:

- Employees, public library board members and volunteers must not abuse their privilege to access personal donor information for idle curiosity or malicious intent, such as browsing through databases or going through donor files;
- Employees, public library board members and volunteers must not casually share and discuss personal information about donors with one another.

6.2.11 Employees, public library board members and volunteers will use discretion when:

- personal donor information is visible on a computer screen (e.g. during meetings or presentations). The screen should not be visible to unauthorized persons, such as other donors or employees, public library board members or volunteers who do not need access to that personal information;
- answering questions, sending information (e.g. mailing, faxing or emailing) or leaving telephone messages for donors.

6.2.12 Employees and volunteers may maintain an archive of donor questions (paper or electronic). However, the questions must not link to an identifiable individual.

6.2.13 Employees, public library board members or volunteers who fail to adhere to the standards for security and use of personal donor information may be subject to disciplinary action, up to and including dismissal and/or termination of association with NBPLS. For more information, see the Department of Post-Secondary Education, Training and Labour (PETL) [Personal Information Management and Security](#)

[Policy](#) and [Privacy Breach Policy](#) (available to employees on PETL Intranet).

6.2.14 The collection and use of personal donor information communicated by e-mail must comply with [Canada's Anti-Spam Legislation \(CASL\)](#) in a manner consistent with [NBPLS Policy 1094](#).

### 6.3 DISCLOSURE OF PERSONAL INFORMATION ABOUT DONORS

In accordance with RTIPPA, employees, public library board members and volunteers will not disclose personal donor information to any person, institution, association, board or agency unless they have the consent of the donor or they are required to do so by law. Examples of when personal information about donors may be disclosed include:

#### 6.3.1 To comply with a Subpoena, Warrant or other Court Orders:

- Upon being presented with a search warrant or other such court order, the Employee in Charge will review it to determine its scope and ensure that only the information referred to in the search warrant or other court order is disclosed.
- Whenever possible, the Executive Director for NBPLS and the Regional Director will be advised before the release of the information, and when it would not constitute an impediment to the execution of the warrant or court order, the Regional Director will review the information to be obtained or seized before it is released.
- When a warrant authorizes a search of the premises to obtain information with respect to an offence, the Executive Director, the Regional Director and the Employee in Charge will place no impediment in the way of the police obtaining and seizing relevant information; the Employee in Charge will facilitate the execution of the warrant, the Executive Director and the Regional Director will be notified as soon as possible and will review the information to be seized if it will not constitute an impediment to the execution of the warrant. The person who executes a warrant may seize items not specified in the warrant where he/she believes such items will afford evidence.
- If a production order is presented (i.e. an order under the Criminal Code or other Act to produce documents or certified copies of

documents or data, to prepare and produce a document based on information or data already in existence), the Employee in Charge will produce requested documents or certified copies in the manner referenced in the Order.

- The Employee in Charge will consult the Regional Director to determine whether it is appropriate to fill the order within the specified time or whether applying for an exemption is warranted.
- If an application for exemption to a production order is recommended (i.e. the order would require production of privileged information, data or documents or material that is otherwise protected from disclosure by law; it would be unreasonable to require compliance; or, the Employee in Charge does not have the information, document or data sought), the Executive Director of NBPLS and the Department of Justice and Public Safety will be contacted for further review and advice.
- In all cases, only the minimum information that is reasonably necessary will be disclosed.

6.3.3 Employees, public library board members and volunteers are to consult the Employee in Charge if in doubt regarding the authority to disclose personal donor information as required by law.

6.3.4 Employees, public library board members and volunteers are to report immediately to the Employee in Charge, if there is a suspected or actual breach of privacy of a donor's personal information.

6.3.5 The Regional Director must be informed in all cases where there is a suspected or actual breach of the Donor Privacy Policy. The Executive Director of NBPLS will be notified of all suspected or actual breaches of the Donor Privacy Policy by the Regional Director. Please refer to section 6.2.13 for more information on how to handle a privacy breach.

#### **6.4 RETENTION, CORRECTION, DELETION AND DISPOSAL OF PERSONAL INFORMATION ABOUT DONORS**

6.4.1 NBPLS makes every reasonable effort to ensure that the personal donor information it has in its possession is complete, up-to-date, and accurate. Donors may ask an employee or volunteer whether the public or public-school library possesses any personal information about them and, upon written request and with reasonable notice, donors can access their own



personal information, challenge the accuracy and completeness of the information and seek to have it amended or deleted subject to legal and contractual restrictions.

- 6.4.2 Personal information about donors will be protected by safeguards appropriate to the sensitivity of the information and will be kept for as long as it is relevant to the purpose for which it was collected and to comply with applicable laws. To this end, all information is managed in accordance with the Government of New Brunswick's Classification Plan and Retention Schedules for Common Records.

## 6.5 CHALLENGING COMPLIANCE

- 6.5.1 A donor may address a complaint concerning a perceived lack of compliance with this policy to the Regional Director who is responsible for the public or public-school library giving rise to the complaint or inquiry. For map of which libraries are covered by which region visit the [NBPLS website](#).

AWK Library Regional Office	(506) 869-6032
Chaleur Library Regional Office	(506) 789-6599
Fundy Library Regional Office	(506) 643-7222
Haut-Saint-Jean Library Regional Office	(506) 735-2074
York Library Regional Office	(506) 453-5380

- 6.5.2 If the complaint or inquiry is not satisfactorily resolved at the Regional Director level, the individual can seek more information or file a complaint with the Executive Director of the New Brunswick Public Library Service, who will investigate, respond to the complaint in writing, and may take appropriate action.

Executive Director  
NBPLS Provincial Office  
570 Two Nations Crossing, Suite 2  
Fredericton, NB E3A 0X9  
Telephone: (506) 453-2354

- 6.5.3 If the complaint or inquiry is not satisfactorily resolved at the Executive Director level, the individual can seek more information or file a complaint with the Office of the Integrity Commissioner of New Brunswick:

Office of the Integrity Commissioner of New Brunswick

65 Regent Street, Suite 230  
Fredericton, NB E3B 7H8  
Telephone: (506) 453-5965  
Toll-free: 1-877-755-2811  
Facsimile: (506) 453-5963  
E-mail : [access.info.privacy@gnb.ca](mailto:access.info.privacy@gnb.ca)

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## 7.0 GUIDELINES / RECOMMENDATIONS

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None.

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## 8.0 ADDITIONAL GUIDELINES AND PROCEDURES

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In consultation with the Provincial Office, Regional Directors may develop additional guidelines, procedures consistent with, and necessary to support this policy.

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## 9.0 REFERENCES

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[Canada's Anti-Spam Legislation \(CASL\) - An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act \(S.C. 2010, c. 23\)](#). Government of Canada.

[Civil Service Act](#). Government of New Brunswick

[New Brunswick Public Libraries Act](#). Government of New Brunswick

[Personal Information Management and Security Policy](#). Department of Post-Secondary Education, Training and Labour.

[Policy 1022 - Volunteers](#). New Brunswick Public Library Service.

[Policy 1060 – Confidentiality of Personal Information About Patrons](#). New Brunswick Public Library Service.

[Policy 1094 – Canada's Anti-Spam Legislation](#). New Brunswick Public Library Service.

[Privacy Breach Policy](#). Department of Post-Secondary Education, Training and Labour.

[Right to Information and Protection of Privacy Act](#). Government of New Brunswick



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**Related NBPLS Policies:**

[Policy 1008 – Sponsorships](#). New Brunswick Public Library Service.

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**10.0 CONTACTS FOR MORE INFORMATION**

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NBPLS Provincial Office, (506) 453-3442

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