

Resources for Libraries to Protect and Promote Privacy

This section offers information for libraries on protecting and promoting the privacy of their users.

A chapter on policy development offers basic guidance on formulating a strong privacy policy that will serve as the foundation for protecting users. For more detailed information on libraries' privacy obligations and best practices in meeting them, see ALA's Privacy Tool Kit. This resource is available online at www.ala.org/ala/aboutala/offices/oif/iftoolkits/toolkitsprivacy/privacy.cfm or by searching "Privacy Tool Kit" at www.ala.org.

The "Checklist for Privacy Orientations" provides quick and easy guidance on important privacy obligations to consider in new employee orientation, and is accompanied by a full set of guidelines for "Orienting and Educating New Librarians about Privacy Obligations."

In addition, a checklist for protecting library user privacy is provided. Though geared toward the specific privacy obligation of school library media centers, this checklist can be adapted for use in any library setting and provides a one-stop guide for key privacy considerations in the library setting.

Finally, and crucially, we have provided a section on communicating privacy policies to library users. The sample handout contains simple and concise language that explains why library privacy is important and can be photocopied for availability at service desks, given to new patrons with their library cards, or posted to library bulletin boards and websites.



Writing a Library Privacy Policy

BARBARA M. JONES

Why do all libraries need written policies?

- So that users know what to expect.
- So that all users are treated equitably and consistently.
- So that library staff can communicate with law enforcement and other inquiries with confidence.
- So that staff know the rules and can train new staff.

A library privacy and confidentiality policy should be included in any library's packet of policies. These should be easily and prominently available for the public and staff: posted on the library's website and in paper format. These policies need to be reviewed on a regular basis and this assignment should be included in a staff member's job duties.

Library Privacy Policy

After collecting the information recommended below, the library might decide to write two policies: one for the public and one for internal library administrative matters. What should be included in the library privacy policy?

LAWS TO BE CONSIDERED OR CITED

- Your state's privacy and confidentiality law. For the latest list, see: www.ala.org, then search "state privacy laws." Or contact the Office for Intellectual Freedom: oif@ala.org; 800-545-2433, ext. 4223.
- Here is what you need to ask about your state's library privacy law:
 - » Does it apply to both private and public libraries?
 - » Does it apply to academic, school, and public libraries?
 - » Does it apply only to circulation records or to such other library transactions as reference?
 - » If it does not apply to your library, is your library part of an institution (a college, for example), that has a student code of conduct or other policies that would apply? A consortium?
 - » Ask your legal counsel how the library privacy policy fits into the overall institutional legal context. Your privacy policy must be in compliance

with other federal, state, and local laws.

- Children's Online Privacy Protection Act of 1998 (COPPA), if applicable (www.coppa.org). This gives parents the right to access children's personal information and may apply in school and public library situations.
- Family Educational Rights and Privacy Act (FERPA), if applicable (www.ed.gov/policy/gen/guid/fpco/ferpa/index.html). This law was passed to protect the privacy of student educational records. This may apply in school and higher education situations.
- The Student and Exchange Visitors Information System (SEVIS), if applicable. (www.ice.gov/sevis/i901/). This is a federally mandated recordkeeping system applied to international students in the U.S. Librarians need to check how their institution implements this law.
- Other federal, state, and local laws, under consultation with legal counsel. Check for special laws regarding minors.

POLICIES TO BE CONSIDERED OR CITED

- The Five Fair Information Practice Principles: rights of notice, choice, access, security, and enforcement. These principles were first enumerated within U.S. federal agencies and are now commonly accepted standards.
- All ALA privacy policies, interpretations, and resolutions relating to your library and its services. These policies are not laws—nor is the *Library Bill of Rights*. But they are based on professional library ethics, best practices, and experiences of librarians in the field. These policies are reviewed and updated regularly. For the most recent versions, see: www.ala.org, then search "Intellectual Freedom Manual." The following privacy resolutions are included: "Privacy: An Interpretation of the Library Bill of Rights"; "Policy on Confidentiality of Library Records"; "Confidentiality and Coping with Law Enforcement Inquiries"; "Policy Concerning Confidentiality of Personally Identifiable Information about Library Users"; "Guidelines for Developing a Library Privacy Policy"; "Policy on Government Intimidation"; and "Other Policies Related to Confidentiality and Privacy." The entire *Intellectual Freedom Manual* should be perused



for privacy issues in such related areas as internet use and access for minors.

- The *Code of Ethics of the American Library Association*. (www.ala.org, then search “Code of Ethics.”) This is a particularly important document for privately funded libraries in which some laws do not apply and the library is basing its privacy policy on professional ethical principles.
- Any policies or resolutions adopted by your state’s library association.
- Any library consortium policies on privacy, including the handling of Interlibrary Loan.
- Privacy policies for all types of materials and services. This might include special collections, reserves (including e-reserves), holds, or special formats. See the ACRL Rare Books and Manuscripts Section “ACRL Guidelines for the Security of Rare Books, Manuscripts, and Other Special Collections (2006).” Go to: www.acrl.org, then search “Standards and Guidelines.”
- Any special policies regarding minors. Even higher education institutions now have increasing numbers of minors on campus, though law enforcement has usually focused on younger minors.

CONTENT OF THE LIBRARY PRIVACY POLICY

- An upbeat, positive statement of the library’s mission and how this policy fits that mission.
- A list of definitions such as: privacy, confidentiality, PII (personally identifiable information). Use this as an opportunity to educate the user about privacy issues and jargon.
- A notice to users of their rights to privacy and confidentiality. Assure them that they have access to any PII the library collects about them. But do consider limiting factors such as age. Check with your legal counsel.
- An explanation of how all technology applications in your library are secured to protect the privacy of users.
- A listing of what information is gathered about users, why it is collected, and how long it is kept.
- An explanation of any optional library services that

do require the collection of PII, and any “opt in/opt out” systems that offer users a choice.

ADMINISTRATIVE AND STAFF PRIVACY POLICIES

- Every library needs to assure its data integrity, whenever PII is collected. Staff should be held accountable for carrying out the library’s privacy policies and this should be clearly laid out in job descriptions. Regular internal library privacy audits should look at shared data; administrative measures to limit access to data; electronic tracking; data retention schedules; and encryption. This audit must include such units as information technology (IT) departments—anyone who handles library data that contains PII.
- Purchases of software, hardware, and systems should include privacy expectations in the RFP’s or bidding rules. Don’t forget to consider such purchases as privacy screens for computers and furniture layouts when renovating space.

SPECIAL CONSIDERATIONS FOR PRIVACY OF MINORS

- For School Libraries: the privacy of minors in schools has different legal applications. School librarians should also take professional ethics into account and try to protect student privacy as much as possible, within legal constraints. Review with your legal counsel any laws that apply to general campus handling of PII. See the American Association of School Librarians “Resource Guides for School Library Media Program Development”: www.aasl.org, then search “privacy.”
- For Minors in Public Libraries: the rights of minors vary from state to state. Extend the maximum privacy to minors allowable within the law and follow professional ethical principles. COPPA does apply to children using a public library.

WHAT ARE SOME GOOD EXAMPLES OF LIBRARY PRIVACY POLICIES?

- Private Academic Library:
 - » Yale University Libraries: www.library.yale.edu/about/accessuse.html
- Public Academic Library:
 - » University of California Libraries: <http://libraries.universityofcalifornia.edu/privacy>



- » Special policy for chat services at the University of Illinois at Urbana-Champaign:
www.library.uillinois.edu/askus/privacy/html
- Public Library:
 - » New York Public Library:
www.nypl.org/legal/privacy.cfm
 - » Multnomah County Library:
www.multcolib.org/about/pol-privacy.html
- School Library:
 - » Colorado Department of Education "School Library Privacy Issues": www.cde.state.co.us/cdelib/SchoolLibraryPrivacyIssues.htm

WHERE CAN I GET MORE INFORMATION?

- Electronic Frontier Foundation: www.eff.org
- American Civil Liberties Union: www.aclu.org
- ALA National Conversation on Privacy:
www.privacyrevolution.org

(All of the above are available on such social sites as Facebook and Twitter.)



Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators

By Xan Arch (Stanford University), Jennifer Falkowski (Southern Maryland Regional Library Association, Inc.), Liladhar Pendse (UCLA), and Emily Symonds (University of Louisville)

ALA 2009 Emerging Leaders Program, Project CC

American Library Association

June 28, 2009

I. FOREWORD

The document, *Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators*, was developed between January and June 2009 as part of the American Library Association's 2009 Emerging Leaders Program. The objective for Project CC, which was made up of Xan Arch, Jennifer Falkowski, Liladhar Pendse, and Emily Symonds, was to develop guidelines to be used by library directors and administrators to educate new librarians about their obligations related to privacy.

This project was initiated by Maureen Sullivan who partnered with LLAMA and its executive director, Kerry Ward, to provide support to the Emerging Leaders team. Project members interviewed library administrators to determine what an ideal set of guidelines would contain, conducted literature reviews on privacy issues within the field of librarianship, and examined library privacy policies from different types of libraries in order to develop these guidelines and address four main areas of privacy: Legal, Patron, Business, and Personnel Issues. The final version of the guidelines, as of July 2009, will be made available through LLAMA.

Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators, was created to serve as a reference for library administrators, directors, and human resource personnel who provide orientation and training to new librarians and library staff in all categories of libraries. As personal information about individuals is made more widely available online and elsewhere, it is important to stress the legal and ethical reasons for keeping patron records and other library information confidential. These guidelines do not dictate what a library's privacy policies should be. Guidelines for developing a privacy policy are available from the ALA Intellectual Freedom Committee as part of the Privacy Toolkit available through <http://www.ala.org>. The *Guidelines for Developing a Library Privacy Policy* also include a model policy and examples of policies in action, while the Privacy Toolkit provides information on privacy within libraries.

These guidelines for administrators are not meant to be an exhaustive discussion of all privacy issues affecting libraries and their employees. Instead, these guidelines serve to outline the relevant areas where privacy is a concern and to provide prompts and questions to consider when educating new librarians about these issues. The specific forms of training and orientation will depend on a library's specific privacy policies, as well as on the needs and culture of the institution.



II. INTRODUCTION

A. *How to use the guidelines*

Library administration should consider providing privacy training to all library staff, not just new librarians. Front line staff in particular should receive training on what constitutes a privacy issue and to whom inquiries should be referred.

B. *Recommendations for training and orienting staff*

Training may take the form of formal group training or individual training during on-boarding. Consider using illustrative stories to demonstrate the importance of privacy in libraries. Scenarios presented as a role playing activity or online simulation may also be valuable teaching tools.

Make sure to define the key terms in the institution's privacy policy and to reinforce the location of written procedures for future reference.

Retraining should be provided as needed.

C. *Privacy documentation for libraries*

After the initial training, full written procedures should be provided to the new librarian or library staff member.

Quick reference materials should also be provided to reinforce the written procedures for responding to inquiries. For front line staff, these may consist of the contact information and chain of command for patron record inquiries, as well as a flow or process chart providing quick access to what to do or who to contact in various situations.

III. LAWS, POLICIES, AND ETHICS

A. *Federal and state laws*

Certain privacy and confidentiality obligations are based on federal and state legislation.

Discuss how the following federal laws apply to your library and what procedures your library has in place in response to these acts.

1. CIPA (Children's Internet Protection Act) – <http://www.fcc.gov/cgb/consumerfacts/cipa.html>
2. COPPA (Children's Online Privacy Protection Act) – <http://www.ftc.gov/privacy/coppafaqs.shtm>
3. FERPA (Family Educational Rights and Privacy Act) – <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
4. FOIA (Freedom of Information Act) and Privacy Act of 1974 – <http://www.usdoj.gov/oip/index.html>
5. USA PATRIOT Act – <http://www.lifeandliberty.gov/highlights.htm>



Does your state have privacy laws? Explain how they inform your library's privacy procedures.

1. ALA maintains a list of links to state privacy laws and provides information on confidentiality policies at <http://www.ala.org/ala/aboutala/offices/oif/ifgroups/stateifcchairs/stateifcinaction/stateprivacy.cfm>.
2. A wiki on state laws and their applicability to library records is available at <http://library-privacy.wikispaces.com> (last update: June 16, 2008).

B. Local and institutional policies

Discuss how the regulations of your library's umbrella organization apply to your policies and procedures. For a public library, what is the relevant local legislation? Within a school media center, who is the appropriate school or district contact person? For an academic library, are there college or university policies? What role does university counsel play?

C. Library ethics

In addition to laws and regulations, a library's privacy policy and a librarian's obligations to privacy are informed by best practices and ethical standards.

New librarians should be familiar with the ALA Code of Ethics, particularly the statement "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted."

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/codeofethics/codeethics.cfm>

Look also at ALA's Library Bill of Rights at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm>.

ALA's Intellectual Freedom Committee also provides frequently asked questions about relevancy of the Library Bill of Rights to privacy at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/questionsanswers.cfm>. This is intended to serve as a supplement to Privacy: An

Interpretation of the Library Bill of Rights at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/privacy.cfm>.

D. Other relevant policies

The Fair Information Practice Principles

(<http://www.ftc.gov/reports/privacy3/fairinfo.shtm>) address the collection of personal information. These principles are based on the Organisation for Economic Co-operation and Development (OECD) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data

(http://www.oecd.org/document/18/0,3343,en_2649_34255_1815186_1_1_1_1,00.html)



Recommend any other organizational policies, standards, and best practices that will help an employee new to librarianship or new to your library understand the importance of privacy and confidentiality.

IV. PATRON RECORDS

Patron privacy should be addressed, given the various ways patron information is collected and stored in a particular library. Care should be taken to ensure that electronic records of these transactions are kept secure at the server level and on staff PCs and laptops, including maintaining and periodically changing secure passwords and conducting IT security audits.

Below are potential patron record issues, though not an exhaustive list. Discuss the relevant issues and how the confidentiality of these records is maintained in the library, both in terms of information kept by staff and data retained by library computer systems:

A. *Circulation Records*

This may include patron information such as address and telephone number, as well as circulation history, interlibrary loan requests, and other information associated with a patron, whether it is account information saved in a computer system, paper documents stored in the library, or personal details known by library employees.

B. *Public Workstations*

This may include search histories on the Internet and through the library catalog (OPAC), bookmarks, cookies, and browser caches.

C. *Server Information*

This may cover proxy servers, data gathered by third-party service providers licensed by the library, and staff or patron information saved to library servers.

V. BUSINESS RECORDS

A. *Proprietary information for library business*

Library staff has privacy obligations relating to library business practices.

Does your institution or umbrella organization have guidelines for business practices? City and university governments often have established general business codes of ethics, and these may include guidelines for privacy of business information.

Discuss how these guidelines relate to the library's dealings with vendors and other outside organizations.

Discuss how the following types of information, for example, may need to be kept private, depending on institutional policies and organizational culture:



1. Terms of contracts with third parties, pricing and discounts received for material purchased (restraint of trade)
2. Details of vendor software or hardware design
3. Data licensed from other sources
4. Legal obligations for university or library business
5. Conversations with vendors
6. University tuition before released publicly

Be familiar with the Statement on Principles and Standards of Acquisitions Practice at <http://www.ala.org/ala/mgrps/divs/alcts/resources/collect/acq/acqethics.cfm>.

A more general resource for business privacy is the Institute of Supply Management (formerly the National Association of Purchasing Management), Principles and Standards of Ethical Supply Management Conduct (<http://www.ism.ws/about/content.cfm?ItemNumber=4740&navItemNumber=13102>).

B. Non-private information

Inform new staff what information should not be considered private when saved on work computers or servers.

This is information that may be accessed by officers of the organization, if deemed necessary.

As governed by your institution's policies, some of these areas may apply:

1. Email
2. IM logs or transcripts
3. Website history
4. Documents on your work computer

Non-private information can also be addressed as part of Laws and Policies when discussing state and local open records laws.

VI. PERSONNEL RECORDS

A personnel record usually contains the following: application for employment, reference letters or recommendation letters, leave records, as well as medical and disciplinary records. Personnel may also be patrons of the library; their records of borrowing fall under the same privacy protection of other patrons.

In order to protect personnel privacy, employees should be made aware of the rules and guidelines that govern access to their files. This may include where the records are kept, who has access to the records, what documentation is retained, and whether employees have access to their own records, and if so, under what circumstances. The procedures for requesting access to personnel records should be outlined, including the appropriate reasons for gaining access and the timeline for this process.



Personnel should also be aware of what happens to their files when they are no longer employed with the library.

VII. BIBLIOGRAPHY

A. Selected references

Chapter 2: Governing policies for interlibrary loan (2006). *Journal of Interlibrary Loan, Document Delivery & Electronic Resources* 16(1/2), 11-15.

Chmara, T. (2009). Privacy and confidentiality issues: A guide for libraries and their lawyers. Chicago: American Library Association.

Coombs, K. (2005). Protecting user privacy in the age of digital libraries. *Computers in Libraries* 25(6), 16-20.

Coyle, K. (2002). Make sure you are privacy literate. *Library Journal*, 127(16), 55.

Crawford, W. (2005). Technology, privacy, confidentiality, and security. *Library Technology Reports*, 41(2), 24-30.

Dixon, P. (2008). Ethical issues implicit in library authentication and access management: Risks and best practices. *Journal of Library Administration* 47(3/4), 141-162.

Fair Information Practice Principles. Retrieved May 11, 2009 from <http://www.ftc.gov/reports/privacy3/fairinfo.shtm>.

Fox, R. (2006). Vandals at the gates. *OCLC Systems & Services* 22(4), 249-256.

Guenther, K. (2001). Pass the cookies and uphold the privacy. *Computers in Libraries* 21(6), 56-58.

Hibbert, C. (2005). History and significance of the social security number. *Computer Professionals for Social Responsibility*. Retrieved January 30, 2009 from <http://cpsr.org/issues/privacy/ssn-history/>

Institute for Supply Management. Principles and Standards of Ethical Supply Management Conduct. Retrieved May 11, 2009 from <http://www.ism.ws/about/content.cfm?ItemNumber=4740&navItemNumber=13102>.

International Federation of Library Associations and Institutions. (2002). The Glasgow declaration on libraries, information services and intellectual freedom. Retrieved January 30, 2009 from <http://www.ifla.org/faife/policy/iflastat/gldeclar-e.html>.

Jaeger, P.T. & Yan, Z. (2009). One law with two outcomes: Comparing the implementation of CIPA in public libraries and schools. *Information Technology and Libraries* 28(1): 6-14.

Moore, A. D. (Ed.) (2005). Information ethics: Privacy, property, and power. Seattle: University of Washington Press.



Munoz, R. (2004). A legal analysis of the ALA's support of the Freedom to Read Protection Act. *Journal of Information Ethics* 13(2), 58-77.

Neuhas, P. (2008). State laws on the confidentiality of library records. Retrieved February 10, 2009 from <http://library-privacy.wikispaces.com/>

Solove, D. J. (2008). The future of privacy. *American Libraries* 39(8), 56-59.

B. ALA links

Code of Ethics of the American Library Association. Retrieved March 17, 2009 from <http://www.ala.org/ala/aboutala/offices/oif/statementspols/codeofethics/codeethics.cfm>

Confidentiality and coping with law enforcement inquiries: Guidelines for the library and its staff. Retrieved February 27, 2009 from

<http://www.ala.org/ala/aboutala/offices/oif/ifissues/confidentiality.cfm>

Guidelines for developing a library privacy policy. Retrieved February 27, 2009 from <http://www.ala.org/ala/aboutala/offices/oif/iftoolkits/toolkitsprivacy/libraryprivacy.cfm>

Intellectual freedom principles for academic libraries: An interpretation of the library bill of rights. Retrieved March 17, 2009 from

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/intellectual.cfm>

Library Bill of Rights. Retrieved March 9, 2009 from

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm>

Privacy: An interpretation of the Library Bill of Rights. Retrieved March 9, 2009 from <http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/privacy.cfm>

Privacy Revolution: A Program of ALA/Office of Intellectual Freedom. Retrieved May 6, 2009 from <http://www.privacyrevolution.org>

Questions and answers on privacy and confidentiality. Retrieved March 17, 2009 from <http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/questionsanswers.cfm>

State privacy laws regarding library records. Retrieved February 10, 2009 from <http://www.ala.org/ala/aboutala/offices/oif/ifgroups/stateifcchairs/stateifcinaction/stateprivacy.cfm>

Statement on Principles and Standards of Acquisitions Practice. Retrieved May 11, 2009 from <http://www.ala.org/ala/mgrps/divs/alcts/resources/collect/acq/acqethics.cfm>

Suggested procedures for implementing "Policy on Confidentiality of Library Records." Retrieved February 27, 2009 from

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/otherpolicies/suggestedprocedures.cfm>



VIII. ACKNOWLEDGMENTS

The authors wish to thank the following people who reviewed these guidelines and provided feedback during the process:

Carrie Daniels, Rachel Howard, Kathie Johnson, Bill Morison, Chad Owen, Tom Owen, and Sherri Pawson, University Archives and Records Center, University of Louisville

Pat Hawthorne, Director, Library Human Resources, University of California, Los Angeles

Melissa Laning, Associate Dean, Assessment, Research, and Personnel, University of Louisville Libraries

Sharan D. Marshall, Director, Southern Maryland Regional Library Association

Angela Maycock, Assistant Director, Office of Intellectual Freedom, American Library Association

Maureen Sullivan, Team mentor for Project CC, ALA Emerging Leaders Program 2009

Catherine Tierney, Associate University Librarian for Technical Services, Stanford University Libraries

Kerry Ward, Executive Director, LLAMA and staff contact for Project CC, ALA Emerging Leaders Program 2009



Checklist for Privacy Orientations

The purpose of this checklist is to serve as a supplement to the larger document "Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators," which was developed through ALA's Emerging Leaders program in 2009 by Team CC. The checklist includes the main points of the guidelines and can be used on its own as a quick reference for developing orientation procedures for privacy policies.

What is the new employee's role in the library? What information will he/she handle and what privacy issues relate to that role?

Laws, Policies, and Ethics

- Provide the new employee with a copy of your institution's privacy policy.
- The following may be included as part of your policy or may be discussed separately:
 - » Library's policy on PATRIOT Act and other federal legislation,
 - » Policies on relevant state privacy legislation or institutional rules, and
 - » ALA's *Library Bill of Rights*.

Patron Records

- Discuss what patron information should be kept private and why.
- Policies on storing patron information on non-secure systems (e.g. laptops that are taken home)

- Policies on erasing patron information from computer servers after specified amount of time.

Business Records

- Will employee work with vendors or library contracts?
- Discuss what constitutes proprietary information for libraries and for vendors and when it is appropriate to share this information.
- What information is not private (data saved to work computers, work email, etc.).

Personnel Records

- Discuss what information is kept in a personnel record.
- What are the access and retention policies for this information?

By Xan Arch (Stanford University), Jennifer Falkowski (Southern Maryland Regional Library Association, Inc.), Liladhar Pendse (UCLA), and Emily Symonds (University of Louisville)

ALA 2009 Emerging Leaders Program, Project CC

June 28, 2009

PDF versions of this checklist and the larger document, "Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators" may be found at www.ala.org/ala/mgrps/divs/llama/publications/index.cfm



Checklist for Protecting Library User Privacy

This sample checklist is geared toward school library media specialists but can be adapted for all types of libraries. It provides a framework for ensuring that the library is taking steps to protect user privacy. Additional resources for library privacy and confidentiality are available at www.ala.org/oif, including an extensive Privacy Toolkit at www.ala.org/ala/aboutala/offices/oif/iftoolkits/toolkitsprivacy/privacy.cfm

Determining Students' Privacy in Your School Library

HELEN R. ADAMS

As a library media specialist, have you taken action to protect students' privacy? Some of the items listed below may be decided at a district level; however, all school library media specialists should be aware of the concern. To determine the status of students' privacy in *your* school library, complete this privacy checklist.

School Library Media Program Privacy Checklist

I Have . . .	Met	Not Yet or District Level Decision	Next Steps
Educated myself about state and federal laws affecting minors' privacy in schools and libraries and reviewed American Library Association policy statements related to privacy and personally identifiable information (PII) about patrons.			
Analyzed my state's library records law and understand how it applies to student library records.			
Inquired how the Family Educational Rights and Privacy Act (FERPA) applies to local school library records.			
Developed a privacy policy stating what PII is collected, who may access library patron records, and the circumstances under which minors' records may be released legally; incorporated state library record law protections where applicable; extended the maximum privacy protections possible, and sought formal approval of the policy by the school board or institution's governing body.			
Posted the library's privacy policy for patrons to read.			
Supported library procedures granting the maximum privacy possible to students regardless of age.			
Protected circulation records with passwords and provided different levels of access for students, volunteers, and library staff.			
Configured automation software to delete students' circulation history.			
Created a records retention policy that protects students' privacy by retaining library user records for the shortest period possible and destroying records when they are no longer needed.			
Retained as few student library records as possible and purged library records identifying individual students' use of resources and services on a regular basis.			
Trained library staff, volunteers, and student assistants about the confidentiality of all library records, instructing them not to examine circulation records of others.			
Proactively educated administrators and teachers about the confidentiality of student library records.			
Taught students to respect the confidentiality of library records—their own and those of others.			



School Library Media Program Privacy Checklist (continued)

I Have . . .	Met	Not Yet or District Level Decision	Next Steps
Informed students of overdue materials in a manner that respects their privacy.			
Protected students' interlibrary loan and reserve requests from the scrutiny of non-library staff.			
Modeled best practices by making sure that conversations with students about materials being checked out or used in the library media center are confidential.			
Guarded information gained through student use of resources and services by not divulging it indiscriminately to faculty, administrators, or others.			
Refrained from affixing labels denoting a book's reading level or leveling a collection to avoid having students learn the reading levels of their peers.			
Supported incorporating privacy into the district's acceptable use policy (AUP).			
Included information about protecting one's privacy online as part of instruction on internet safety.			
Encouraged students to realize that citizens have privacy rights under the 4th and 5th Amendments, state, and federal laws.			
Reached out to parents by communicating library policy as it relates to student privacy and providing information about protecting minors' privacy online.			
Demonstrated personal judgment when violating a student's privacy by speaking to a counselor or principal out of concern for a student's welfare.			
Counseled that surveillance camera(s) not be aimed at the circulation desk or be intrusive in recording actions of persons using the school library media center.			
Discussed privacy concerns with vendors of any technology currently owned or under consideration for purchase and requested that they include privacy protections in future software changes.			

If you answered "not yet" or are uncertain about any of these best practices related to privacy in school library media programs, review ALA's "Privacy: An Interpretation of the *Library Bill of Rights*." The statement reminds library media professionals of their obligation "to an ethic of facilitating, not monitoring access to information" (ALA Privacy). Consider that students will only feel comfortable to research topics and make personal reading choices if they are confident that their use of library resources will be kept confidential by library staff. The right of privacy for minors may not be an easy principle to defend; however, whether state library laws shield or fail to protect student library records, library media specialists have the most

knowledge of library records law and intellectual freedom concepts and bear the greatest responsibility to protect the privacy of their student patrons.

Originally Published in School Library Monthly (formerly School Library Media Activities Monthly) Vol. XXV, No. 7, 2009 Libraries Unlimited. All rights reserved. Reproduced by permission of ABC-CLIO, LLC, Santa Barbara, CA.

Reference

American Library Association. "Privacy: An Interpretation of the Library Bill of Rights." www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/privacy.cfm.



Communicating Privacy Policies to Users

TRINA MAGI

Polls show that when asked, most people say they value their privacy and believe they should have the right to control who has access to personal information about them. But many people have never considered the importance of privacy in the library.

Once your library has adopted a privacy policy, it's important to tell users about your commitment to

protecting their freedom to read. Then they'll understand why you can't answer questions such as "Who has this book I need?" or "Did my neighbor read and like this?"

The handout on the next page uses concise, easy-to-understand language to explain why library privacy is important for everyone. You can photocopy the handout and make it available to your library users at the reference and circulation desks, give copies to new patrons when you issue their library cards, or post it to your library bulletin boards and website.

A MESSAGE TO OUR LIBRARY USERS

Your Privacy is Important to Us

Our library is committed to protecting the privacy and confidentiality of our users. Why?

Because we believe that freedom of speech is meaningless without the freedom to read. Confidentiality and privacy are essential to these freedoms, because if library users have to worry about being judged, punished, ostracized, or put under surveillance, they may censor themselves. They may not seek answers to their questions or read the things they want to read, either in print or online. To be free and to govern themselves, people must be able to explore ideas—even controversial ideas—without fear.

If library users aren't doing anything wrong, why should they care about privacy?

There are many reasons why library users might want their privacy and confidentiality protected. Perhaps they have been diagnosed with a disease and want to learn more about it before they tell their children. They may be suffering from domestic or child abuse and want to find out how to get help. They may be researching their rights before deciding to blow the whistle on illegal activity at work. Or perhaps they're planning a special vacation as a surprise gift for a loved one.

Privacy isn't about protecting people who are doing bad things. It's about giving our users the power to decide for themselves who will know about their reading and research interests. If a user chooses to share her reading list with others, that's fine; but we can't assume everyone wants that.

But what if someone *is* doing something wrong, and the police need to see their library records to investigate a crime?

Librarians comply with law enforcement requests for information about users—as long as those requests come in the form of court orders. This ensures that a third party has considered whether the information is really critical for the investigation, and it helps prevent unnecessary invasions of privacy.

Questions?

Please speak with the library director or a member of the library staff.

“A popular Government, without popular information, or the means of acquiring it, is but a prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors must arm themselves with the power which Knowledge gives.”

James Madison
From *James Madison's*
“Advice to My Country”
(1997)

“We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.”

From the
American Library
Association
Code of Ethics