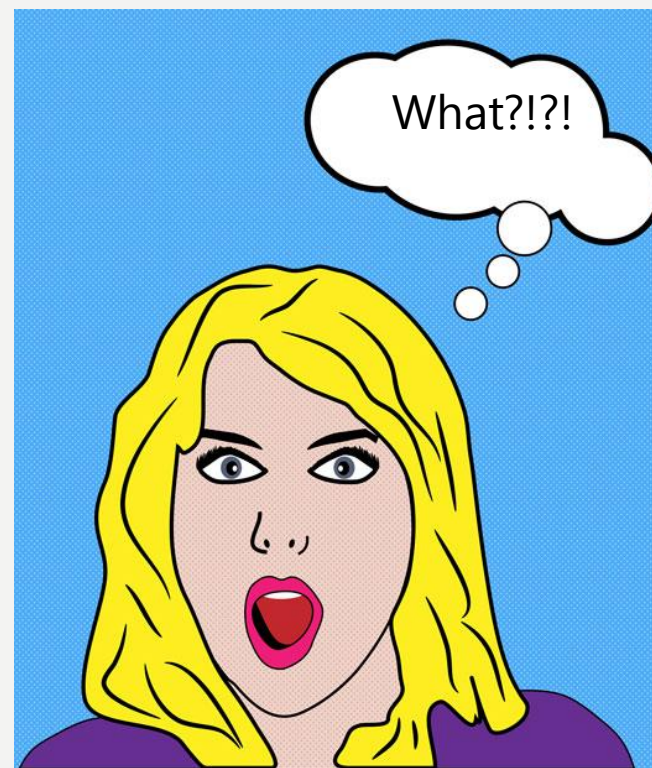


**PRIVACY,
CONFIDENTIALITY,
& INTELLECTUAL
FREEDOM IN
PUBLIC LIBRARIES**

WHAT LIBRARY WORKERS NEED TO KNOW

IMAGINE THIS...

You arrive at the library for your service desk shift, when your coworker says, "Hey, your mom was just here. She checked out a bunch of books on cancer. Is she doing okay?"



OKAY, MAYBE A LITTLE LESS DRAMATIC...

Penny Patron approaches the desk with a few books by your latest favorite author. What is the appropriate thing to say?

- A. Oh, I love Joe Smith! Have you read *Deathblow* yet?
- B. Ok, all checked out. Have a great day!
- C. I hope you enjoy his books. Have a wonderful day!

EXPLANATION

Simply thanking the customer and not commenting on the items is the appropriate response. It is not up to us as library workers to decide what should be kept private and what should not; that is the customer's decision.

If the customer initiates conversation about the items being checked out, then it is acceptable to engage in conversation about it.

NOW EVEN LESS DRAMATIC...

Pepper Patron calls on the phone because there was a message saying that Penny's hold was in. Pepper wants to know which book it is so she can tell Penny.

- A. I am not able to give you that information, but if Penny calls us with her library card number, we can let her know.
- A. Sure! It's *Deathblow*.

NOW EVEN LESS DRAMATIC...

I am Penny's mother!
Why can't you just tell
me?



- A. I'm sorry, but Wisconsin confidentiality law prevents me from sharing that information with anyone but Penny.

- B. Oh, I'm sorry. It's *Deathblow*.

EXPLANATION

Telling someone what another person is reading is a violation of the Wisconsin statute on patron privacy.

It is not up to you to determine what a patron wants to keep private.



FROM THE ALA OFFICE OF INTELLECTUAL FREEDOM:

For libraries to thrive as centers for open access to information, library staff must stand behind their users' right to privacy and freedom of inquiry.

Confidentiality, privacy, and intellectual freedom are crucial elements in providing quality public library service.

PROVIDING QUALITY LIBRARY SERVICE...

... means being aware of library laws, professional ethics, and the policies and procedures that might not be applicable to other customer service environments.

PROFESSIONAL ETHICS OF LIBRARY WORKERS

- Commitment to facilitate, *not monitor*, access to information
- **Everyone**– paid or unpaid– who provides service in libraries has the responsibility to maintain an environment that is respectful and protective of the privacy of all users
- Everyone who collects or accesses personally identifiable information in any format has a legal and ethical obligation to protect confidentiality

DEFINITIONS

Intellectual Freedom:

- According to the ALA, intellectual freedom is “the right of every individual to both seek and receive information from all points of view without restriction. It provides free access to all expressions of ideas through which any and all sides of a question, cause, or movement can be explored.”

DEFINITIONS

Privacy:

- Essential to free speech, free thought, and free association
- Defined in Libraryland as the right to open inquiry without examination or scrutiny
- Alternate definitions
 - Freedom from intrusion
 - Confined to or intended only for the persons immediately concerned

DEFINITIONS

Confidentiality:

- The obligation to keep personally identifiable information (PII) private
- Includes a library worker's responsibility to protect personal information, such as circulation records, registrations for programs and events, and hold notices
- Personal information cannot be divulged to third parties without consent

WISCONSIN STATUTES

CHAPTER 43.30

Records of any library...indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services...may not be disclosed except by court order or to persons acting within their scope of duties in the administration of the library.

CH 43.30 EXCEPTIONS

- Persons authorized by the individual
- Custodial parents or guardians of children under the age of 16
- Other libraries for the purpose of borrowing materials for an individual
- Law enforcement officer who is investigating criminal conduct alleged to have occurred at a library (the library director may also disclose surveillance recordings at his/her discretion)
- Collection agency or law enforcement for the purpose of recovering unreturned materials

UNINTENTIONAL EXPOSURE

- Discussion among staff
- Verification of personal information that can be overheard by others
- Pick-up of holds by others
- Patron inquiries of all types



How can we keep confidential patron information private in these situations?

STEP ONE: A PRIVACY AUDIT

- A technique for assuring that an organization's goals & promises of privacy & confidentiality are supported by its practices
- These can be lengthy and there are a number of them out there
- At least take these points under consideration
- For more information, visit:
<http://www.ala.org/advocacy/privacy/toolkit/policy#privacyaudit>

STEP TWO: POLICIES & PROCEDURES

Like many laws, Chapter 43 is *enabling language*, which means it can be vague and open to interpretation

- This is why your library's policies and procedures are so important
 - They are intended to guide you through situations that may arise

POLICIES & PROCEDURES

Sections (or Issues) to Include:

- Notice & Openness
 - Notifies users of right to privacy/ confidentiality
- Choice & Consent
 - Gives users option as to how PII is collected and used
- Access by Users
 - Informs users they can access their records

POLICIES & PROCEDURES

Sections (or Issues) to Include:

- Emerging Technologies w/ Privacy Concerns
 - Consider third party data gathering (apps, surveillance, cloud, ebooks, social network)
- Data Integrity & Security
 - Administrative measures, data retention, cookies)
- Enforcement & Redress
 - Establish/maintain a mechanism to enforce policy; make redress available to users

POLICIES & PROCEDURES

Sections (or Issues) to Include:

- Government Requests for Library Records
 - Have well-established procedures in place to enforce policies
 - Inform users about legal conditions under which library must release PII
 - Review policy with library counsel when possible
 - All staff must be trained in how to protect privacy and who to contact for requests (i.e., establish a Privacy Officer)
 - Ask for officer ID

POLICIES & PROCEDURES

Sections (or Issues) to Include:

- Government Requests (Continued)
 - Only library administration should release records
 - Turn court order/subpoena immediately over to counsel for authorization
 - Search warrant is executable immediately
 - Ask to have counsel present prior to search
 - Have replacement plan in place if computer workstation is seized, if possible

LAW ENFORCEMENT

What happens when law enforcement pays a visit?

- Remember: no personal information about anyone using the library may be released without a court order...
 - *Unless* the request was generated by the library itself

LAW ENFORCEMENT

- So, when law enforcement says, “Is so-and-so in the library?” or “Have you seen so-and-so today?”

-OR-

- “If you see so-and-so, can you give us a call?”

LAW ENFORCEMENT

- Law enforcement protects the community by finding evidence
- You protect the community by upholding their right to privacy

Sometimes it seems that these two things clash... Therefore, a strong relationship with law enforcement is essential



TIPS ON HANDLING ANY OF THESE SITUATIONS

- Be polite
- Be somewhat—but not too—apologetic
- Understand the perceived inconvenience...
- But stand firm and cite the law
- Remember that you are right to uphold your patron's privacy

