

Supporting documentation on Library Privacy in the US. Proposed texts to improve on current privacy policy.

Example 1)

In recognizing the library's position of special trust with members of the public, the Library Commission of the Hunterdon County Library wishes to clarify its policy and responsibility with regard to confidential information about patrons (and patron use of library resources) that comes into the library's possession.

As the choice of books and other library materials, along with the use of the informational resources of the library, is essentially a private endeavor on the part of each individual patron, the library shall make every reasonable and responsible effort to see that information about that patron and his choices remains confidential. For people to make full and effective use of library resources they must feel unconstrained by the possibility that others may become aware of the books they read, the materials they use, the questions they ask. The awareness of the existence of such a possibility inhibits free usage of the library, its resources, and facilities, and is contrary to the ALA Library Bill of Rights and the Freedom to Read Statement.

Therefore, the Library Commission of the XXX County Library has adopted the following guidelines concerning the disclosure of information about library patrons:

No information regarding or including:

- A patron's name (or whether an individual is a registered borrower or has been a patron),
- A patron's address,
- A patron's telephone number,
- The library's circulation records and their contents,
- The library's borrowers' records and their contents,
- The number or character of questions asked by patrons,
- The frequency or content of a patron's lawful visits to the library, or any other information supplied to the library (or gathered by it) shall be given, made available or disclosed to any individual, corporation, institution, government agent or agency without valid process order or subpoena.

All library employees (and those volunteers who work on its behalf) are hereby instructed to comply with these guidelines. The Library Commission recognizes that it is only through continued public confidence in the fact that these guidelines are indeed being upheld, can the public maintain its confidence in the public library. It is this confidence that is vital to the library's role in the community and the community's right to know.

Example 2

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Library privacy and confidentiality are critical aspects of ensuring that library users can freely explore information without fear of intrusion or surveillance. Let's delve into the principles and guidelines related to borrowers' confidentiality:

1. Right to Privacy and Confidentiality:

- All library users, regardless of their background or views, have a fundamental right to privacy and confidentiality in their library use.
- When privacy or confidentiality is compromised, true freedom of inquiry is hindered.
- Privacy is essential for free speech, thought, and association.
- Courts recognize a First Amendment right to receive information in publicly funded libraries, and privacy rights are upheld based on the U.S. Constitution.
- Many states also guarantee privacy in their constitutions and statutes.
- The right to privacy includes the freedom to explore topics without scrutiny, both in person and online.
- **Confidentiality** exists when a library holds personally identifiable information about users and keeps it private on their behalf.

2. ALA's Stance on Privacy:

- The American Library Association (ALA) has affirmed the right to privacy since 1939.
- Existing ALA policies emphasize that confidentiality is crucial for freedom of inquiry.
- Article VII of the **Library Bill of Rights** implicitly guarantees free access to library resources while respecting privacy and confidentiality.
- Lack of privacy negatively impacts users' selection, access, and use of library materials.
- Children and youth have the same privacy rights as adults.

3. What Confidentiality Covers:

- **Article III of the ALA Code of Ethics** states that confidentiality extends to:
 - Information sought or received
 - Resources consulted, borrowed, acquired, or transmitted
 - Reference questions and interviews
 - Circulation records
 - Digital transactions and queries
 - Records related to library resource use, services, programs, or facilities.

4. Library Policies and Practices:

- Libraries should never enact policies that compromise users' privacy based on age, ability, housing status, immigration status, or other forms of identity.
- Even when required by law, libraries should consult legal counsel before abridging any user's right to privacy.
- Libraries have a responsibility to inform users about policies governing the collection, security, and retention of personally identifiable information and library use data.

5. State Privacy Laws:

- The ALA recommends that each library adopt a policy acknowledging state library confidentiality provisions.

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- [These policies should recognize the confidentiality of information sought or received from library users, including personally identifiable information](#) ¹².

Remember, libraries play a crucial role in safeguarding user privacy, allowing everyone to explore knowledge freely and without fear.

Example

In the United States, **library confidentiality** is a crucial aspect of protecting users' privacy and ensuring their freedom to explore information without fear of intrusion. Here are some additional comments on the subject.

Library Privacy and Confidentiality:

- **Privacy** refers to the right of library users to engage in open inquiry without having their interests scrutinized by others.
 - **Confidentiality** exists when a library holds personally identifiable information (PII) about users and keeps it private on their behalf.
 - PII includes details like names, addresses, phone numbers, social security numbers, and even browsing history.
 - Libraries should limit the collection, monitoring, disclosure, retention, and transmission of PII while complying with state library confidentiality statutes.
 - **ALA's Library Bill of Rights** [affirms the commitment to protect users' privacy rights, regardless of the format or medium of information](#) ¹.
2. **Personally Identifiable Information (PII):**
- PII extends beyond simple identification. It includes data that can build a picture of users' tastes and interests.
 - While targeted advertising is one use for PII, libraries resist releasing information connecting individuals to specific books or resources.
 - [For minors researching personal, social, or sexual identities, privacy is crucial to prevent embarrassment or bullying](#) ¹.
3. **Federal Laws and Recommendations:**
- [The Privacy Act of 1974 governs the collection, use, and dissemination of information about individuals maintained in federal agency records](#) ².
 - [The Data Care Act of 2023 imposes duties of care, loyalty, and confidentiality on online service providers](#) ³.
 - [The American Data and Privacy Protection Act \(ADPPA\), if passed, would provide federal protection of personal data](#) ⁴.
 - [Additionally, 48 states and the District of Columbia have laws protecting the confidentiality of library records](#) ⁵.

In summary, libraries play a vital role in safeguarding user privacy, and both federal laws and ALA policies reinforce the importance of confidentiality in library operations.

- 1) [Privacy and Confidentiality Q&A | Advocacy, Legislation & Issues \(ala.org\)](#)
- 2) [Office of Privacy and Civil Liberties | Privacy Act of 1974 \(justice.gov\)](#)

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- 3) [U.S. privacy legislation in 2023: Something old, something new? \(iapp.org\)](#)
- 4) [U.S. Data Privacy Laws in 2024 \[A Guide to Online Privacy Laws\] \(cloudwards.net\)](#)
- 5) [Microsoft Word - guidelineslibrary0404.doc \(wyo.gov\)](#)
- 6) [Policy on Confidentiality of Library Records | Advocacy, Legislation & Issues \(ala.org\)](#)
- 7) [ALA Q&A on the Confidentiality and Privacy of Library Records | Advocacy, Legislation & Issues](#)

ADPPA

The **American Data Privacy and Protection Act (ADPPA)** has made significant progress in Congress. On **July 20, 2022**, the **House Energy and Commerce Committee** voted **53-2** to advance the ADPPA, also known as **H.R. 8152**, to the full House of Representatives. [If enacted, the ADPPA would establish a comprehensive federal consumer privacy framework¹](#). Here are some key provisions of the bill:

1. **Handling Personal Data:** The ADPPA sets requirements for how companies, including nonprofits and common carriers, handle personal data. This includes information that identifies or is reasonably linkable to an individual.
2. **Limiting Data Collection and Processing:** Most companies would be required to limit the collection, processing, and transfer of personal data to what is reasonably necessary to provide a requested product or service and other specified circumstances.
3. **Consent for Data Transfer:** The bill generally prohibits companies from transferring individuals' personal data without their affirmative express consent.
4. **Consumer Data Protections:** The ADPPA establishes consumer data protections, including the right to access, correct, and delete personal data.
5. **Opt-Out for Targeted Advertising:** Prior to engaging in targeted advertising, companies must provide individuals with a means to opt out of such advertising.
6. **Protection for Minors:** Additional protections are provided for personal data of individuals under the age of 17.
7. **Anti-Discrimination Measures:** Companies are prohibited from using personal data to discriminate based on specified protected characteristics.
8. **Security Practices:** Companies must implement security practices to protect and secure personal data against unauthorized access.
9. **Enforcement and Civil Actions:** The Federal Trade Commission (FTC) and state attorneys general would enforce these requirements. Individuals may bring civil actions for violations of the bill after two years from its effective date.
10. [Preemption of State Laws: The bill preempts certain state laws, except for specified categories and laws in Illinois and California²](#).

In summary, the ADPPA aims to enhance privacy protections for consumers and establish clear guidelines for handling personal data in the digital age.

- 1) [Overview of the American Data Privacy and Protection Act, H.R. 8152 \(congress.gov\)](#)
- 2) [H.R.8152 - 117th Congress \(2021-2022\): American Data Privacy and Protection Act | Congress.gov | Library of Congress](#)
- 3) [Comprehensive Privacy Legislation Passed by House Subcommittee \(natlawreview.com\)](#)
- 4) [American Data Privacy and Protection Act Moves to House \(natlawreview.com\)](#)

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