Libraries and Confidentiality:
Your Privacy is Our Business
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Tell us!

1. Why did you choose to come to our presentation? What you are interested in learning about?

2. What comes to mind when you think of privacy in the library or patron privacy?
We posed this question to our students:

What worries do you have about your online privacy and the data that’s collected about you?

Take a moment to reflect on your own concerns about personal privacy.
Here's how our college students responded:

- Too many apps want access to my sites, me, etc.!
- How it can affect my future job opportunities
- Data mining
- How people can steal your personal information and use it as theirs—social security and credit card information
- Super personal information being found that is unavoidable for online—SSN, credit card
- FB photos!
Where are privacy rights in our laws?
“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.

What are your rights to privacy as a person?

These words are codified twice in United Nations documents:

The Universal Declaration of Human Rights (Article 12)
International Covenant on Civil and Political Rights (Article 17)
What are your privacy rights as a U.S. Citizen?
The United States Constitution and Bill of Rights

Privacy Confidentiality
The Supreme Court

Griswold v Connecticut (1965)
Connecticut’s ban on the use of contraceptives violated the right of marital privacy

Justice William O. Douglas:
The “penumbras” of the Bill of Rights guarantees a right to privacy (zones of privacy)

Penumbras – a space of partial illumination between the perfect shadow
Griswold v Connecticut
There exists a “fundamental right” to privacy
7-2 Decision

- Majority opinion by Justice William O. Douglas
  - Taken together, the Bill of Rights provides a fundamental right to privacy, including the right for married couples
  - Specifically cites the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments

- Concurring Opinions
  - Justice Arthur Goldberg – Ninth Amendment
  - Justice Marshal Harlan II – The 14th Amendment and the “fundamental right” traditionally protected in American society
  - Justice Byron White – 14th Amendment
“If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch.

Federal Legislative Protections

- Privacy Act of 1974
  - The right to see records about oneself
  - The right to request the amendment of records that are not accurate, relevant, timely or complete; and
  - The right of individuals to be protected against unwarranted invasion of their privacy resulting from the collection, maintenance, use, and disclosure of personal information.
New York State Personal Privacy Protection Law (1984)

• Right to **access records about you** that are maintained by state agencies;
• Right to **correct or amend information** you believe is inaccurate or irrelevant
• **Prohibits agencies from collecting personal information**, unless "relevant and necessary" to a purpose of the agency that must be accomplished by law
• Requires agencies to **tell you why the information is being collected**, where it will be kept, how it will be used
• **Protects you against disclosures of personal information** without your consent, except in circumstances specified in the law; and forbids state agencies from maintaining "secret" data banks containing personal information.
patron privacy in libraries

Library records in New York State, added L.1982, amended L.1988

§ 4509. Library records. Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.
What does the library profession say?

- ALA Code of Ethics
- Library Bill of Rights
Personally Identifiable information (PII)

“Is any information about an individual ... used to distinguish or trace an individual’s identity”
Pause and reflect

- Think of a scenario you have been in or sticky situations you have been in that might have been in conflict with the Code of Ethics or the laws we’ve spoken about.
- Think about how you resolved the situation or didn’t resolve the situation.
- Pick one scenario from among those in your group.
- Focusing on the scenario you chose, come up with 3 alternate ways that you might have resolved this situation and decide on the best one.
- Share with the whole group?
The Importance of Having a Policy!

- Federal/State Laws and Judicial Decisions
- Professional Codes, Standards, and Ethics
- Cultural Practice Unique to your institution

It's Complicated!

ALA Privacy Tool Kit
New York Public Library
Harvard
Town of Pelham Public Library
FBI Agents Ask N.Y. Librarians To Spywatch

FBI agents are asking librarians in New York City to "volunteer" information on patrons they believe may be potential "terrorists," according to a recently leaked wiretap of FBI agent Teresa Sullivan. The request has resulted in a backlash from librarians and privacy advocates, who believe the practice is a violation of the First Amendment.

The FBI's request is part of an internal investigation into a library in New York City that is suspected of being used as a meeting place for terrorists. Librarians have been asked to provide information on patrons who appear to be engaging in suspicious activities, such as carrying large amounts of cash or using public computers to access foreign websites.

The move has sparked outrage among librarians and civil liberties groups, who argue that the practice violates the rights of patrons and undermines the的信任 and confidentiality that is fundamental to the library's mission.

"What we're seeing is a complete disregard for the rights of our patrons," said John Darnielle, a librarian at the New York Public Library. "The FBI is using libraries as a tool to surveil people, and that's not something we should be doing.

The FBI has defended its actions, saying that it is simply trying to ensure public safety. "We are doing everything we can to protect the American people," said FBI spokesman Jim Deshler. "We understand the concerns of librarians, but at the end of the day, we are responsible for protecting the country.

The case has sparked a broader debate about the role of libraries in today's society. Many librarians believe that libraries should remain a place of safety and confidentiality, where people can access information without fear of scrutiny. Others argue that libraries have a responsibility to cooperate with law enforcement agencies in the fight against terrorism.

The FBI's request has also raised questions about the role of technology in today's society. Many librarians are concerned that the use of technology in libraries is growing at a rapid pace, and that this growth is driving a growing divide between those who have access to technology and those who do not.

"We need to be careful about how we use technology in libraries," said Darnielle. "We don't want to create a society where only the rich and powerful have access to information.

The case has also sparked a debate about the role of government in today's society. Many civil liberties groups believe that the FBI's actions are a violation of the First Amendment, and that the government should not be able to compel libraries to turn over information on their patrons.

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ALA Response to Government Requests for Patron Information

- Patrons targeted for reading "wrong" materials
- ALA Code of Ethics, 1939
- Freedom to Read Statement, 1953
- McCarthyism
- FBI concerned Soviets accessing information, 1970s-80s
- Library Awareness Program, 1980s, Technical and Scientific Libraries
- Policy on Confidentiality of Library Records, 1971
- Privacy: An Interpretation of the Library Bill of Rights, 2002
- Rewriting of Section 215, 2006
- 9/11/01 and USA Patriot Act, 2002
- Library policies and statements updated, Internet Age
- USA Freedom Act, 2015
The Connecticut Four

Library Connection Employees, Connecticut. Jan Nocek, Peter Chase, George Christian, Barbara Bailey
https://youtu.be/GtmcMm6RAU8?t=26m47s
Shhhhh!
Keep silent while we rifle through your personal records.

The Patriot Act
Here to protect YOU from your freedoms.

www.aclu.org/gagorder
Library systems and privacy

- What kind of data libraries collect
- Why do libraries collect data
- How that data is used and not used
- Other Internet and computer use
Data Mining

- What is it?
- Are we comfortable with it?
- Should libraries make use of such data/information?
- What could libraries do with information gleaned from data mining?
Historically, libraries have been staunch defenders of patrons' privacy. Yet to embrace many aspects of the modern Internet, which has grown more social and personalized, libraries will need to "tap into and encourage increased flows of personal information from their patrons," says the privacy-and-social-media scholar Michael Zimmer.

--The Chronicle
Questions?

Thank you!
Kate and Nancy