

## **Patron Privacy Frequently Asked Questions**

### **1. What is privacy and why is privacy important?**

Privacy is about people. The right to privacy is the right to open inquiry without having the subject of one's interests examined or scrutinized by others. With privacy, individuals maintain their autonomy and individuality. Privacy is essential to the exercise of free speech, free thought and free association.

### **2. What is confidentiality?**

According to California State Law (Government code section 6267) a library is obliged to assure confidentiality of records relating to registration and circulation. Although we often refer to this as "patron privacy", the scope is limited to records kept by the library and not to larger issues of personal privacy. Registration records are the patron library card records. Circulation records are the lists of library materials checked out on a patron's library card.

Confidentiality is about data. Confidentiality relates to the possession of personally identifiable information, including such library-created records as circulation records, computer sign-up sheets, meeting room registrations, web sites visited, or reserve notices.

### **3. What are the laws around privacy?**

There are no federal laws guaranteeing library patron privacy. Except for Kentucky and Hawaii all of the states have some form of privacy protection for library patrons. California has some of the nation's strongest protection for library patron records and privacy. California Government Code sections 6250 through 6270 ensure "the right of individuals to privacy . . ." This section is considered the "California Public Records Act." Sections 6254 (j) and 6267 (a), (b), and (c) refer specifically to registration and circulation records. Registration records are the patron library card records and circulation records are the items checked out on patron library cards.

At the municipal level, the San Francisco Board of Supervisors passed a resolution (Resolution #53-03) opposing the USA Patriot Act, which expands the use of electronic surveillance (see below) on January 21, 2003. On March 2, 2004 San Francisco voters passed Proposition E authorizing the Board of Supervisors to take responsibility for how the City responds to document and record requests under the USA Patriot Act. This is Board of Supervisor's Ordinance #51-05 known as the City's Watch Law Program

San Francisco Public Library adheres to the following best practices:

- Gather only the data necessary to perform the specific service
- Keep the data only as long as needed to provide the service or to meet the City's record retention rules
- Limit access to the data to those who must use it in the performance of their duties
- Keep the data in a secure place

In June 2004 the San Francisco Public Library adopted its Privacy Policy. Revisions updating the Privacy Policy were adopted by the Library Commission on January 15, 2015.

### **4. What is the USA Patriot Act?**

After the attacks on September 11, 2001 the Congress passed and the President signed the Uniting and Strengthening America by Providing Tools Required to Intercept and Obstruct Terrorism Act of 2001 or the USA Patriot Act. The act expanded the use of electronic surveillance. A section of this act, section 215, began to be called the "library provision". It authorizes the FBI to request certain business records for foreign intelligence and international terrorism investigations. Among those business records are library circulation records and library patron lists. San Francisco Public Library is committed to protecting library patron privacy as described in question #3 above. Patron records are kept only as long as necessary to manage library services.

**5. What is the Library doing to protect my privacy?**

The San Francisco Public Library does not share patron records or information with outside organizations, including law enforcement agencies, except by order of the appropriate superior court or under the conditions of the USA Patriot Act.

The Library Commission adopted a Privacy Policy in 2004 to protect library patron privacy and keep "confidential information that identifies individuals or associates individuals with their use of library books, materials, equipment, programs, facilities, and/or staff assistance."

In February and March of 2007, the Library engaged in an audit of library records that contain data about use of its materials and facilities. The purpose of the audit was to create an inventory of all library records that fall within the definition of the confidentiality rules, to determine exactly what data is gathered, who has access to the data, and the records retention practice in relation to that data. The resulting Library Patron Privacy Inventory is available on the Library's website. It was most recently updated on February 17, 2015.

**6. What should I know about data collection, data storage and user-generated content (UGC) when I use BiblioCommons?**

BiblioCommons is an online service that makes it easier to track your holds and renewals and find the titles you are looking for in the Library's collection. It also allows you to share ratings and commentary about the titles you find at the Library, and to connect with other library users. Please read the BiblioCommons Privacy & Patron Privacy FAQ and BiblioCommons Privacy Statement to learn more about BiblioCommons-specific privacy measures.

**7. How does the Library protect my privacy while I am using the Library computers?**

The Library uses an online computer reservation program that allows the public to reserve a computer in order to access the Library's catalog, the Internet and other resources. The Library's public computer stations are programmed to delete the history of a library user's Internet session and all searches once an individual session is completed.

To reserve a public computer you enter your library card and PIN. When you arrive at your assigned computer the system verifies your reservation. This booking information is deleted 24 hours after your assigned time.

**8. Why does my name show on the outside of the materials that I have placed on hold?**

As the Library moves toward more self-service systems such as self-check machines and patron-placed reserves, more of the library's locations now have library holds easily accessible for patrons to get and check out themselves. In order

to differentiate each person's holds the Library prints out a slip with part of the patron's last name and part of the first name. Most of our patrons find this method very convenient. For those patrons that do not want their names to be displayed they can ask at the Circulation Desk to have their holds kept behind the desk.

**9. Why can't you tell me what books I've read?**

In order to tell you what books you have read the Library's computer system would have to keep a record of all the books you have ever checked out on your library record. What people read is a fundamental matter of privacy. The Library only maintains a history of what a patron has previously checked out or returned if: materials have not been returned yet or they have been returned but fines and fees are owed, or, if a library user enables a feature on BiblioCommons called Recently Returned to keep track of items they have returned to the Library. Similarly, on the Classic Catalog users may enable a feature called "My Sierra" if they wish to save a list of the materials that they have checked out.

**10. Why can't I get a printout of my record without my library card or ID?**

In accordance with California State Law (Government Code Section 6267) the Library does not disclose circulation or registration records to anyone other than the individual to whom the records pertain, except under the code's stated conditions. It is the responsibility of all library employees to keep your library record confidential and to protect your record from unauthorized access. To accomplish this we must verify your identity with your library card, a valid picture ID, or other verification before any information (verbal or paper) can be given out.

**11. Why can't you tell me what members of my family have checked out?**

San Francisco Public Library treats all patron registration records and all circulation records as confidential in accordance with California State Law (Government Code Section 6267).

The Library requires a parent or legal guardian to authorize a child 12 and under to obtain a library card by signing the child's library card application. A parent or legal guardian of a child 12 or under who wishes to obtain information regarding their child's library materials must present valid identification at the time of their request. Patrons age 13 or older are able to apply for and receive library cards without a parent's signature if they meet the Library's identification requirements, or lacking ID, choose to receive a Welcome Card, which allows just one item to be checked out at a time.

The Library will disclose that child's current circulation records upon request from the child's parent or legal guardian who 1) originally authorized the child to obtain a library card or, 2) presents the child's card at the time of the request, or 3) is accompanied by the child to whom the circulation records pertain.

If your child is age 13 or over then the Library cannot disclose your child's circulation records without your child's authorization. The parent or guardian of a child age 13 may access the account online with possession of the library card barcode number and the pin number, which constitutes implied consent; such access will allow for a parent or guardian to pay fines / fees online, renew items for the child, or reserve items on behalf of the account holder. *If you have other questions or concerns that relate to privacy and confidentiality of library records, please speak to a library staff member.*

**Additional Online Resources**

From San Francisco Public Library website:

SFPL Privacy Policy

SFPL Patron Privacy Inventory

From San Francisco Public Library Catalog:

BiblioCommons Terms of Use

BiblioCommons Privacy Statement

From the American Library Association website:

The USA Patriot Act

Privacy and Confidentiality

Personally Identifiable Information

Library Bill of Rights

Library Code of Ethics

Freedom to Read Statement

California Public Records Act (from the California Government Code sections 6250 through 6270)

Libraries and National Security: An historical review (from online peer-reviewed journal, *First Monday*, volume 9, number 12, 2004)