

## APPENDIX A

# AMERICAN LIBRARY ASSOCIATION CODE OF ETHICS

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. 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.
- IV. We recognize and respect intellectual property rights.
- V. We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

*Adopted by the ALA Council  
June 28, 1995*



*San Francisco Public Library*

## **San Francisco Public Library Privacy Policy**

### **Staff Procedures:**

1. Requests made to staff by law enforcement for Library records are to be immediately referred to the Office of the City Librarian.
2. Staff will post signs in any library facility using RFID informing the public that RFID technology is in use and the types of usage. The sign will include a statement of protection of privacy and will explain how RFID works in the library, as well as the potential privacy risks related to RFID use in the library.
3. Future *View Your Record* features will be implemented only if those features comply with current user controls (no administrative access and user option to select and delete information).
4. Requests made to staff by representatives of the federal government under the USA PATRIOT Act are to be immediately referred to the Office of the City Librarian, who will refer the request to the Board of Supervisors.

## APPENDIX B

### **AMERICAN LIBRARY ASSOCIATION**

#### **Position Statement on the Confidentiality of Library Records**

The members of the American Library Association,\* recognizing the right to privacy of library users, believe that records held in libraries which connect specific individuals with specific resources, programs or services, are confidential and not to be used for purposes other than routine record keeping: i.e., to maintain access to resources, to assure that resources are available to users who need them, to arrange facilities, to provide resources for the comfort and safety of patrons, or to accomplish the purposes of the program or service. The library community recognizes that children and youth have the same rights to privacy as adults.

Libraries whose record keeping systems reveal the names of users would be in violation of the confidentiality of library record laws adopted in many states. School library media specialists are advised to seek the advice of counsel if in doubt about whether their record keeping systems violate the specific laws in their states. Efforts must be made within the reasonable constraints of budgets and school management procedures to eliminate such records as soon as reasonably possible.

With or without specific legislation, school library media specialists are urged to respect the rights of children and youth by adhering to the tenets expressed in the Confidentiality of Library Records Interpretation of the Library Bill of Rights and the ALA Code of Ethics.

\*ALA Policy 52.4 (see below), 54.16

#### **ALA Policy 52.4 Confidentiality of Library Records**

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received, and materials consulted, borrowed, acquired," and includes database search records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services.

The American Library Association recognizes that law enforcement agencies and officers may occasionally believe that library records contain information which may be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American judicial system provides mechanism for seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.

The American Library Association strongly recommends that the responsible officers in each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.
3. Resist the issuance or enforcement of such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

(Revised July 1999)

## APPENDIX C

### The American Library Association's Task Force on Privacy and Confidentiality in the Electronic Environment

*Final Report, 7 July 2000*

At the American Library Association Conference in New Orleans in 1999, ALA Council resolved that the Library and Information Technology Association be asked to examine the impact of new technologies on patron privacy and the confidentiality of electronic records. The Taskforce on Privacy and Confidentiality in the Electronic Environment was formed at the ALA Midwinter Conference with broad participation from across ALA.

The Task Force decided to focus on identifying the applicable technologies, describing these and their possible impacts. The group did not see policy development as part of the charge. Because the Association has always taken a strong stand on patron privacy, and considering that there are already a number of privacy policy statements promulgated by the Association, the Task Force believes that reaffirmation, reinforcement, and repetition of previous stands may be adequate. Additional information and policy dissemination efforts may help to communicate the Association's concerns more broadly.

#### FINDINGS

The report identifies the following areas where technology is having a particular impact on patron privacy and confidentiality.

##### **Law and Legislation**

In most states, the law protects the confidentiality of library records to some degree. Generally, these laws protect circulation and registration records containing personal names. Many also protect information on the "use of library materials." Not all state laws are written in such a way that we can assume that they protect the privacy of patrons using online resources.

##### **Library Systems**

Libraries need to be concerned about computer system security as part of their commitment to patron privacy. This means that libraries must be able to protect user records, both electronic and paper, from unauthorized access. User records have also expanded beyond the standard lists of library cardholders and circulation records as libraries begin to use electronic communication methods such as electronic mail for reference services, and as they provide access to computer, web and printing use.

Library systems must be able to authenticate users while keeping user activities confidential. Some institutions require a user logon for all computer access, potentially creating a record of all online activity, even catalog browsing. Libraries that provide materials over web sites controlled by the library must determine the appropriate use of any data describing user activity logged or gathered by the Web server software.

## **Internet Access in Libraries**

This is an area of great concern because libraries have limited influence over the privacy practices of World Wide Web sites on the public access Internet. The threats to patron privacy take many forms, including:

### **User tracking by remote sites**

This is ameliorated by the fact the library computer connections are usually shared by many patrons so that it is unlikely that specific individuals will be identified. However, data is being gathered and patrons need to be aware of that.

### **Users giving out personal information online**

Users may voluntarily reveal personal information to take advantage of personalization features of web sites, to subscribe to services, to participate in interactive communications, and to purchase items online.

### **Logs or caches of user activity, in online form or as backups**

Unless steps are taken by the library, subsequent users at a library computer may be able to see some traces of activity of previous users.

### **Screen view privacy**

Patrons have a reasonable right to access information privately while in the library. Computer screens may be readily visible to other patrons.

Libraries should inform patrons of the potential for loss of privacy with Internet use and encourage safe Internet use practices.

## **Library Support for Patron Privacy**

While libraries have historically supported patron privacy, substantial anecdotal evidence suggests that our user community is not aware of this strong stance. And as libraries have moved into the internet world, providing extensive access to quality internet access through the library's website or portal, few libraries have adopted the practice of communicating with its users through a link to the library's policies on privacy from its web pages.

## **Access to Remote Resources Provided by Library**

Libraries increasingly contract for information resources that are stored remotely and are under the control of a vendor. Care must be taken to include patron privacy measures in the license between the library and the vendor. Vendors may be reluctant to forego the gathering of marketing and usage data, but libraries may need to insist on patron privacy measures.

New features are being developed that allow users to personalize their use of remote information, to e-mail retrieved items to themselves, or to purchase items like article reprints. These features necessarily link the activity to the individual user, and create a record of the use. Great care must be taken to provide confidentiality in this environment

where the library has the ability to do so, or care must be taken to inform users of privacy implications of such use where the library does not have the necessary control.

### **Library Employee Privacy**

In addition to its obligation to its users, libraries must be aware of employee privacy as well. Monitoring of employee activities for "quality control" may be an invasion of employee privacy if it is not made known as a policy. As employees begin to use online communication to interact with patrons, the patron's privacy is also at risk. The policies and practices of parent institutions may also come into play. The best course here is for libraries and their parent institutions to have a written policy that says what privacy the employee and patrons can realistically expect.

### **CONCLUSIONS**

The effort to protect patron privacy should be clearly supported by ALA policy. Access to Electronic Information, Services, and Networks: An Interpretation of the *Library Bill of Rights* contains strong statements on the end goals of confidential use of library information resources and intellectual freedom in the current environment. ALA policy statements on the confidentiality of library records focus on circulation data. ALA may wish to revise these statements to include a wider range of data. Of particular concern is the pervasive gathering of "marketing information" or tracking online usage by third parties.

Libraries have some influence over the technical products and services that are marketed primarily to libraries (library automation systems, some content vendors focused on libraries). Carefully written license agreements and contracts are important tools in insuring that patron privacy is protected by the products and services we buy.

Libraries should take a proactive role in communicating their privacy commitment to their user communities through policy statements on library websites as well as through other traditional communication channels.

Libraries must be especially diligent in all areas where they use and control technology-based information systems. Because libraries have stronger user privacy concerns than many other institutions, our needs will often not be met by software as it is configured "out of the box."

Libraries have an important role in educating the public about privacy, especially where the libraries provide access to technology. Public education and library policies can empower users even in the open access Internet. ALA should consider creating model privacy policies, instructional materials, and privacy "best practices" documents for libraries.

Librarians, as individuals and through their library associations, can influence public policy on privacy. State laws on the confidentiality of library records may need to be extended to cover new technologies, or revised to be technology neutral. Librarians can participate in the creation of standards and new technologies that take privacy

considerations into account. Librarians can advocate the importance of privacy through standards bodies and ad hoc groups that allow public participation and comment.

### **RECOMMENDATIONS**

In reviewing the conclusions of the Task Force Study, three recommendations emerge which we submit for ALA Council review and possible action. These are:

1. That ALA revise its policy statements related to Confidentiality of Library Records (rev. 1986) and Concerning Confidentiality of Personally Identifiable Information About Library Users (1991) in order to specifically and appropriately incorporate internet privacy.
2. That ALA develop model privacy policies, instructional materials, and privacy "best practices" documents for libraries.
3. That ALA urge that all libraries adopt a privacy statement on web pages and post privacy policies in the library which cover the issues of privacy in internet use as accessed through the library's services.



# Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.

Amended February 2, 1961, and January 23, 1980,  
inclusion of "age" reaffirmed January 23, 1996,  
by the ALA Council.

# Privacy

## An Interpretation of the *Library Bill of Rights*

### Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. The courts have established a First Amendment right to receive information in a publicly funded library.<sup>1</sup> Further, the courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution.<sup>2</sup> Many states provide guarantees of privacy in their constitutions and statute law.<sup>3</sup> Numerous decisions in case law have defined and extended rights to privacy.<sup>4</sup>

In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.<sup>5</sup>

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The ALA has affirmed a right to privacy since 1939.<sup>6</sup> Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry.<sup>7</sup> Rights to privacy and confidentiality also are implicit in the *Library Bill of Rights*'<sup>8</sup> guarantee of free access to library resources for all users.

### Rights of Library Users

The *Library Bill of Rights* affirms the ethical imperative to provide unrestricted access to information and to guard against impediments to open inquiry. Article IV states: "Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas." When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

In all areas of librarianship, best practice leaves the user in control of as many choices as possible. These include decisions about the selection of, access to, and use of information. Lack of privacy and confidentiality has a chilling effect on users' choices. All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Users have the right to be informed what policies and procedures govern the amount and retention of personally identifiable information, why that information is necessary for the library, and what the user can do to maintain his or her privacy. Library users expect and in many places have a legal right to have their information protected and kept private and confidential by anyone with direct or indirect access to that information. In addition,

Article V of the *Library Bill of Rights* states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." This article precludes the use of profiling as a basis for any breach of privacy rights. Users have the right to use a library without any abridgement of privacy that may result from equating the subject of their inquiry with behavior.<sup>9</sup>

### Responsibilities in Libraries

The library profession has a long-standing commitment to an ethic of facilitating, not monitoring, access to information. This commitment is implemented locally through development, adoption, and adherence to privacy policies that are consistent with applicable federal, state, and local law. Everyone (paid or unpaid) who provides governance, administration, or service in libraries has a responsibility to maintain an environment respectful and protective of the privacy of all users. Users have the responsibility to respect each others' privacy.

For administrative purposes, librarians may establish appropriate time, place, and manner restrictions on the use of library resources.<sup>10</sup> In keeping with this principle, the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library. Regardless of the technology used, everyone who collects or accesses personally identifiable information in any format has a legal and ethical obligation to protect confidentiality.

### Conclusion

The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship.

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<sup>1</sup> Court opinions establishing a right to receive information in a public library include *Board of Education v. Pico*, 457 U.S. 853 (1982); *Kreimer v. Bureau Of Police For The Town Of Morristown*, 958 F.2d 1242 (3d Cir. 1992); and *Reno v. American Civil Liberties Union*, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997).

<sup>2</sup> See in particular the Fourth Amendment's guarantee of "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," the Fifth Amendment's guarantee against self-incrimination, and the Ninth Amendment's guarantee that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This right is explicit in Article Twelve of the Universal Declaration of Human Rights: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." See: <http://www.un.org/Overview/rights.html>. This right has further been explicitly codified as Article Seventeen of the "International Covenant on Civil and Political Rights," a legally binding international human rights agreement ratified by the United States on June 8, 1992. See: [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

<sup>3</sup> Eleven state constitutions guarantee a right of privacy or bar unreasonable intrusions into citizens' privacy. Forty-eight states protect the confidentiality of library users' records by law, and the attorneys

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general in the remaining two states have issued opinions recognizing the privacy of users' library records. See: <http://www.ala.org/alaorg/oif/stateprivacylaws.html>.

<sup>4</sup> Cases recognizing a right to privacy include: *NAACP v. Alabama*, 357 U.S. 449 (1958); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Katz v. United States*, 389 U.S. 347 (1967); and *Stanley v. Georgia*, 394 U.S. 557 (1969). Congress recognized the right to privacy in the *Privacy Act of 1974 and Amendments* (5 USC Sec. 552a), which addresses the potential for government's violation of privacy through its collection of personal information. The Privacy Act's "Congressional Findings and Statement of Purpose" state in part: "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." See: [http://caselaw.lp.findlaw.com/scripts/ts\\_search.pl?title=5&sec=552a](http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=5&sec=552a).

<sup>5</sup> The phrase "Personally identifiable information" was established in ALA policy in 1991. See: *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* ([http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html)). Personally identifiable information can include many types of library records, for instance: information that the library requires an individual to provide in order to be eligible to use library services or borrow materials, information that identifies an individual as having requested or obtained specific materials or materials on a particular subject, and information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject. Personally identifiable information does not include information that does not identify any individual and that is retained only for the purpose of studying or evaluating the use of a library and its materials and services. Personally identifiable information does include any data that can link choices of taste, interest, or research with a specific individual.

<sup>6</sup> Article Eleven of the *Code of Ethics for Librarians* (1939) asserted that "It is the librarian's obligation to treat as confidential any private information obtained through contact with library patrons." See: <http://www.ala.org/alaorg/oif/1939code.html>. Article Three of the current *Code* (1995) states: "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." See: <http://www.ala.org/alaorg/oif/ethics.html>.

<sup>7</sup> See these ALA Policies: *Access for Children and Young People to Videotapes and Other Nonprint Formats* ([http://www.ala.org/alaorg/oif/acc\\_chil.html](http://www.ala.org/alaorg/oif/acc_chil.html)); *Free Access to Libraries for Minors* (<http://www.ala.org/alaorg/oif/freemin.html>); *Freedom to Read* (<http://www.ala.org/alaorg/oif/freeread.html>); *Libraries: An American Value* ([http://www.ala.org/alaorg/oif/lib\\_val.html](http://www.ala.org/alaorg/oif/lib_val.html)); the newly revised *Library Principles for a Networked World* (<http://www.ala.org/oitp/prinintro.html>); *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* ([http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html)); *Policy on Confidentiality of Library Records* ([http://www.ala.org/alaorg/oif/pol\\_conf.html](http://www.ala.org/alaorg/oif/pol_conf.html)); *Suggested Procedures for Implementing Policy on the Confidentiality of Library Records* (<http://www.ala.org/alaorg/oif/suggpolcn.html>).

<sup>8</sup> Adopted June 18, 1948; amended February 2, 1961, and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council. See: <http://www.ala.org/work/freedom/lbr.html>.

<sup>9</sup> Existing ALA Policy asserts, in part, that: "The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information." *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* ([http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html))

<sup>10</sup> See: *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities* ([http://www.ala.org/alaorg/oif/pol\\_reg.html](http://www.ala.org/alaorg/oif/pol_reg.html)).

Adopted June 19, 2002, by the ALA Council.

APPENDIX E

FILE NO. 022047

RESOLUTION NO. 53-03

1 [Resolution opposing the USA PATRIOT Act and related Executive Orders]  
2

3 **Resolution opposing the USA PATRIOT Act and related Executive Orders.**  
4

5 WHEREAS, the City of San Francisco houses a diverse population, including citizens  
6 of other nations whose contributions to the community are vital to its character and function;  
7 and

8 WHEREAS, the United States Constitution guarantees all persons living in the United  
9 States fundamental rights including freedom of religion, speech, assembly and privacy;  
10 protection from unreasonable searches and seizures; due process and equal protection to  
11 any person; equality before the law and the presumption of innocence; access to counsel in  
12 judicial proceedings; and a fair, speedy and public trial; and,

13 WHEREAS, the USA PATRIOT Act signed by President George W. Bush on October  
14 26, 2001 has a number of provisions that contradict the above mentioned inalienable rights  
15 and fundamentally alters the nature of our civil liberties while doing little to increase public  
16 safety; and,

17 WHEREAS, examples of the provisions of the USA PATRIOT Act and Executive  
18 Orders that may violate the Constitution and the rights and civil liberties of San Francisco  
19 residents are as follows:

- 20
- 21 • Significantly expands the government's ability to access sensitive medical, mental  
22 health, financial and educational records about individuals, and lowers the burden  
23 of proof required to conduct secret searches and telephone and internet  
24 surveillance  
25

- 1 • Gives law enforcement expanded authority to obtain library records, and prohibits
- 2 librarians from informing patrons of monitoring or information requests
- 3 • Gives the Attorney General and the Secretary of State the power to designate
- 4 domestic groups, including religious and political organizations as "terrorist
- 5 organizations"
- 6 • Grants power to the Attorney General to subject citizens of other nations to
- 7 indefinite detention or deportation even if they have not committed a crime
- 8 • Authorizes eavesdropping of confidential communications between attorneys and
- 9 their clients in federal custody
- 10 • Limits disclosure of public documents and records under the Freedom of
- 11 Information Act; and

12 WHEREAS, Department of Justice interpretations of this Act and these Executive  
13 Orders particularly target Muslims, persons of Middle Eastern and South Asian descent and  
14 citizens of other nations, and thereby encouraging racial profiling by law enforcement and  
15 hate crimes by individuals in our community; now, therefore, be it

16 RESOLVED, that the City of San Francisco affirms its strong opposition to terrorism,  
17 but also affirms that any efforts to end terrorism not be waged at the expense of the  
18 fundamental civil rights and liberties of the people of San Francisco, the United States and  
19 other countries; and, be it

20 FURTHER RESOLVED, that the City of San Francisco affirms the rights of all people,  
21 including United States citizens and citizens of other nations, living within the City in  
22 accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution;  
23 and, be it

24 FURTHER RESOLVED, that, to the extent legally possible, no City employee or  
25 department shall officially assist or voluntarily cooperate with investigations, interrogations, or





# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

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**File Number:** 022047

**Date Passed:**

Resolution opposing the USA PATRIOT Act and related Executive Orders.

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January 13, 2003 Board of Supervisors — CONTINUED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval

January 21, 2003 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin,  
Sandoval


Noes: 1 - Hall

Absent: 1 - Newsom



File No. 022047

I hereby certify that the foregoing Resolution was ADOPTED on January 21, 2003 by the Board of Supervisors of the City and County of San Francisco.


  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

\_\_\_\_\_  
\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.

Date: January 31, 2003

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

  
\_\_\_\_\_  
Clerk of the Board

File No.  
022047

APPENDIX F

**LIBRARY COMMISSION RESOLUTION 2/03 as approved February 4, 2003**

**RESOLUTION OF THE SAN FRANCISCO PUBLIC LIBRARY COMMISSION  
PROTECTING LIBRARY USERS RIGHTS TO PRIVACY AND CONFIDENTIALITY**

**WHEREAS**, the San Francisco Public Library Commission is deeply concerned about the ramifications of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act) as it affects the privacy of San Francisco Public Library users; and

**WHEREAS**, Sections 214 – 216 of the USA Patriot Act, give law enforcement agencies expanded authority to:

- Obtain library records
- Secretly monitor all electronic communication, and
- Prohibit libraries and librarians from informing users of such monitoring or information requests; and

**WHEREAS**, the San Francisco Public Library Commission is strongly opposed to terrorism, we also affirm that efforts to combat terrorism need not violate civil rights guaranteed under the First and Fourth Amendments to the Constitution of the United States; and

**WHEREAS**, public libraries, and specifically the San Francisco Public Library, champion intellectual freedom and must guard library users' rights to privacy in the exercise of that freedom, and must safeguard the civil liberties that have gone hand in hand with the San Francisco Public Library's role in the community; and

**WHEREAS**, the American Library Association's ( ALA ) Library Bill of Rights, affirmed as policy by the San Francisco Library Commission in January 1998, asserts that:

- Libraries should challenge censorship in the fulfillment of their responsibility to provide information; and
- Libraries should resist abridgement of free expression and free access to ideas; and
- The "Shadow of Fear" caused by government intrusion into library records breeds self-censorship; and

**WHEREAS**, the San Francisco Library Commission honors the diversity of San Francisco's people, cherishes the richness this diversity brings, and is offended by targeting or profiling any particular racial, ethnic, cultural, political, or religious group in government investigations; and

**WHEREAS**, it is the responsibility of public libraries and librarians, as guardians of the public's freedom to read and right to access information, to contest encroachments upon those freedoms by individuals, groups, or the government; and



*San Francisco Public Library*

## **San Francisco Public Library Privacy Policy**

### **Staff Procedures:**

1. Requests made to staff by law enforcement for Library records are to be immediately referred to the Office of the City Librarian.
2. Staff will post signs in any library facility using RFID informing the public that RFID technology is in use and the types of usage. The sign will include a statement of protection of privacy and will explain how RFID works in the library, as well as the potential privacy risks related to RFID use in the library.
3. Future *View Your Record* features will be implemented only if those features comply with current user controls (no administrative access and user option to select and delete information).
4. Requests made to staff by representatives of the federal government under the USA PATRIOT Act are to be immediately referred to the Office of the City Librarian, who will refer the request to the Board of Supervisors.