

## **Huntington Public Library Privacy Policy Statement**

### **Background, Philosophy, Vermont Statute, Other Information**

#### **Philosophy**

The Huntington Public Library is committed to user confidentiality. The confidentiality of library records is a core part of library ethics and the Huntington Public Library follows the Code of Ethics of the American Library Association.

The Huntington Public Library fully subscribes to the professional standard stated in the ***Code of Ethics of the American Library Association***

#### **Background**

The American Library Association, in its Code of Ethics, states that libraries in the United States are in a position to ..."Influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry... (libraries are) committed to intellectual freedom and the freedom of access to information."

Libraries have a responsibility to foster the free flow of ideas and information in their communities. The Huntington Public Library takes most seriously this responsibility to ensure intellectual freedom, and recognizes the critical need to protect the privacy and confidentiality of its users.

This means that the Huntington Public Library will not reveal, except upon receipt of a valid and enforceable court order, subpoena or other binding legal demand (hereafter "binding legal demand") information about users – what they read from our collections, what their areas of research might be, or what resources or services they consult, use or access (hereafter "user information").

Support for the protection of library records is found in the ACT RELATING TO THE CONFIDENTIALITY OF LIBRARY PATRON RECORDS (S.220 Sec. 1. 22 V.S.A. chapter 4 ), which provides that "a library's patron registration records and patron transaction records shall remain confidential unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records" except in specific listed situations which provide for information needed to conduct library business, by written permission of the patron, to a custodial guardian of a minor under 16 years or in response to a judicial order or warrant.

In recognition of that public policy against open public access to library patron records, and in light of what the Trustees consider The Huntington Public Library's ethical obligations, no library representative shall not voluntarily, in the absence of a binding legal demand or extraordinary and emergent health or safety threats, provide third parties with access to user information.

Confidential library records have long been accessible to law enforcement officials through orderly legal channels. However, passage by Congress of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act, Public Law 107-56) gives law enforcement officials freer access to library user records, and increased ability to install devices on computer workstations to monitor activity. Furthermore, it prohibits patron notification when certain types of surveillance are underway. This legislation has caused libraries, including the Huntington Public Library, to review their written policies and practices regarding privacy of patron records, to rethink and codify record-keeping practices, and to ensure that staff has coherent procedures to follow should official requests for information identifying individuals come to the Library.

### **Vermont Statute**

Confidentiality extends to information sought or received, and materials consulted, borrowed, and includes database search records, reference interviews, circulation records, interlibrary loan transactions, registration records, and all other personally identifiable uses of library materials, facilities, or services.

Vermont Statute (Title 22, Chapter 4 Section 172) specifies that, unless authorized by other provisions of law, the Library's officers, employees, and volunteers shall not disclose the records except:

- (1) with the written permission of the library patron to whom the records pertain;
- (2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;
- (3) in response to an authorized judicial order or warrant directing disclosure;
- (4) to custodial parents or guardians of patrons under age 16;
- (5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

Statistical records pertaining to the patronage, circulation activities, and use of any service or consultation the Library provides, provided that they do not contain the names of patrons or any other personally identifying information, shall be exempt from the provisions of this chapter. (Added 2007, No. 129 (Adj. Sess.), § 1.)

Representatives of any local, state, or federal government, pursuant to subpoena or search warrant authorized under the authority of federal, state, or local law relating to civil, criminal, or investigative power. Upon receipt of any such subpoena or search warrant, the Library Director

will consult with legal counsel to determine if the subpoena or search warrant is in proper form and if there is a valid basis for its issuance before providing confidential information.

### **Other Information**

The Library occasionally sends information of our events and services to the community. The Library, at those times, uses patrons' email or postal address for the Library's mailings.

The Library does not sell, lease, or otherwise distribute or disclose any patron's name, email address, postal address, telephone number, or other personal information to outside parties.

The KOHA Home Card application procedure adheres to the Vermont Confidentiality Act. All children between the ages of six and eighteen are registered on the account of their parent/guardian.

Website data is separate from individual library account data. The Library cannot look up patron library records to determine what websites were visited. The HPL also offers a wireless network that allows patrons to connect to the Internet.

If a patron initiates a reference inquiry or requests an interlibrary loan, this information is considered as part of the borrower account and protected as outlined above.

Online suggestions and other general email to the Library, which do not apply to borrowing or intellectual pursuits, may be considered public records.

The HPL website contains links to external web sites not maintained by the Huntington Public Library. The Library cannot be responsible for user privacy when visiting outside websites. Please consult the privacy policies of those websites should there be questions regarding their use.

Date Approved: June 28, 2013

## **Code of Ethics of the American Library Association**

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.

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.

We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

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.

We respect intellectual property rights and advocate balance between the interests of information users and rights holders.

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.

We do not advance private interests at the expense of library users, colleagues, or our employing institutions.

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.

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 at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.