

Jefferson College Library

Privacy & Confidentiality Policy

Recognizing the important role that libraries perform in helping to develop and maintain a citizenry that is informed and capable of participating in a democracy, Jefferson College Library embraces the guidelines put forth by the Intellectual Freedom Committee of the American Library Association regarding the supremacy of patron privacy and confidentiality. Professional ethical standards and federal and Missouri state laws uphold the duty of librarians to protect patron privacy and encourage the practice of confidentiality by all library staff. Jefferson College Library is committed to ensuring that individuals are free to inquire, able to exercise rights to free expression, free from the chilling effect of unlawful searches, and confident in the expectation of confidentiality concerning personally identifiable information.

I. Definitions—Privacy & Confidentiality:

Patron Privacy involves a library user's right to free inquiry without the fear of scrutiny. *Confidentiality* involves personally identifiable information stored about a patron and the commitment of the Library to keeping that information secure.

II. Purpose:

1. To establish a policy concerning privacy and confidentiality that upholds guidelines created and interpreted by the American Library Association. These guidelines have, in many cases, been created in accordance with, and upheld by, the highest laws and governing documents of federal and state governments;
2. To make certain that Library staff are informed about state and federal laws and ALA guidelines regarding privacy and confidentiality and are prepared to act accordingly to uphold these;
3. To make available to all users of Jefferson College Library the policies regarding their privacy and confidentiality.

III. Guidelines:

Principles supporting our commitment to privacy and confidentiality

- 1) American libraries have a long tradition of ensuring access to information regardless of the nature of that information; this tradition is integral to the processes necessary for a vibrant democracy;
- 2) All library workers have a responsibility for protecting the rights of individuals to access information without fear of scrutiny or breach of confidentiality;

- 3) Policies are meant to ensure that overriding principles are used to maintain the Library's commitment to privacy and confidentiality regardless of changes in staff;
- 4) Appropriate adoption of Privacy and Confidentiality policies are possible only when staff are informed and necessary supporting procedures are in place; the Library will maintain an up-to-date procedures document concerning privacy and confidentiality.

IV. Procedures:

To help to ensure the Library staff's adherence to federal, state, and ALA guidelines concerning library users' right to privacy and confidentiality.

- 1) Library staff should keep in mind the principles governing the laws and guidelines of patron privacy and confidentiality at all times; even when resources consulted, inquiries made, or materials perused or borrowed seem innocuous or beyond scrutiny.
- 2) Records or knowledge of user inquiries shall remain private and confidential "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 investigative power."
- 3) Library staff will "resist the issuance of enforcement...until such time as a proper showing of good cause has been made..." That is, Librarians will consult with legal counsel to make sure that order or subpoena is in proper form before agreeing to comply with order.
- 4) If presented with a subpoena or warrant all Library staff should refer requests to Library Director, designated supervisor, or Library Administrator. **Never provide requested information.** It is completely appropriate and legal to refer these requests to a supervisor.
- 5) Library staff should avoid making or keeping unnecessary records that might reveal patron borrowing histories and/or personally identifiable information, thus, compromising privacy and/or confidentiality.
- 6) Library staff should refer to the Jefferson College Library Procedures Blog/Manual for specific examples of the application of federal, state, and ALA laws and guidelines regarding Privacy and Confidentiality to the Jefferson College Library community of users.

Privacy and Confidentiality Laws, Guidelines and helpful documents:

Missouri Revised Statutes, Chapter 182 , County and City Libraries--Libraries Generally , Section 182.817
<http://www.moga.mo.gov/statutes/c100-199/1820000817.htm>

Missouri Revised Statutes, Chapter 182 , County and City Libraries--Libraries Generally, Section 182.815
<http://www.moga.mo.gov/statutes/c100-199/1820000815.htm>

American Library Association Library Bill of Rights
<http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm>

State Privacy Laws
<http://www.ala.org/advocacy/privacyconfidentiality/privacy/stateprivacy>

American Library Association Code of Ethics
<http://www.ala.org/ala/issuesadvocacy/proethics/codeofethics/codeethics.cfm>

American Library Association Privacy and Confidentiality
<http://www.ala.org/advocacy/privacyconfidentiality/privacy/privacyconfidentiality>

American Library Association Privacy: An Interpretation of the Library Bill of Rights
<http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/interpretations/index.cfm>

ALA's Policy concerning Confidentiality of Personally Identifiable Information about Library Users
<http://www.ala.org/advocacy/intfreedom/statementspols/otherpolicies/policyconcerning>

Choose Privacy week
<http://chooseprivacyweek.org/>

What is Intellectual Privacy?
<http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0225/What-is-intellectual-privacy-and-how-yours-is-being-violated>

ALA Q&A on the Confidentiality and Privacy of Library Records
<http://www.ala.org/ala/issuesadvocacy/advleg/federallegislation/theusapatriotact/questionsonprivacy/index.cfm>