

# Why Patron Privacy Matters and How You Can Protect It

Does privacy matter?

Sources of threats to privacy

Ethical and legal obligations

Practical steps and where to find help

# Does privacy matter?

Why would a library user care about privacy if they're not doing anything wrong?

**Patent searching**

**Researching a medical diagnosis before telling friends**

**Reading alternative viewpoints about a controversial topic**

**Planning a surprise anniversary cruise for a spouse**

**Suffering from domestic or child abuse and want to find out how to get help**

**Researching rights before deciding to blow the whistle on illegal activity at work**

**Looking for a new job**

Where do threats to privacy come from?

# Where do threats to privacy come from?

- Police/law enforcement
- Businesses and non-profit organizations
- Neighbors, friends, and family members
- Activists (e.g., “First Amendment auditors”)
- Vendors of library products/services
- Library operations



# Ethical obligations



## American Library Association *Code of Ethics*:

“3. 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.”

## American Library Association *Library Bill of Rights*:

“VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people’s privacy, safeguarding all library use data, including personally identifiable information.”

# Legal obligations



## Two Vermont laws

### **Access to Public Records**

1 Vermont Statutes Annotated § 315-317

“It is the policy of this subchapter to provide for free and open examination of records. . .”

“The following public records are exempt from public inspection and copying:

. . . (19) Records relating to the identify of library patrons or the identity of library patrons in regard to library patron registration records and patron transaction records in accordance with 22 V.S.A. chapter 4.”

# Library Patron Records

22 Vermont Statutes Annotated § 171-173

“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:

- (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**; or
- (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.”



## United States law

### **First Amendment to the U.S. Constitution:**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the **freedom of speech**, or of the press. . .”

### **Fourth Amendment to the U.S. Constitution:**

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and **no warrants shall issue, but upon probable cause. . .**”

### **These federal laws may also apply:**

- Video Privacy Protection Act
- Electronic Communications Privacy Act
- Family Educational Rights and Privacy Act (FERPA)
- The Children's Online Privacy Protection Act (COPPA)
- Section 215 of the Foreign Intelligence Surveillance Act (FISA as amended by the USA PATRIOT Act)



Take a  
deep breath

# Practical steps you can take



- Adopt a library privacy policy
- Adopt procedures for responding to requests for information about library users
- Review and modify library operations
- Educate library workers, volunteers, administrators, board members, and users

For guidance and samples:

<https://researchguides.uvm.edu/PrivacyVLC2024>