

Thank you to our collaborators!





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PRIVACY, CONFIDENTIALITY, AND INTELLECTUAL FREEDOM IN THE LIBRARY

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STLS

Southern Tier Library System

Connecting Community Libraries

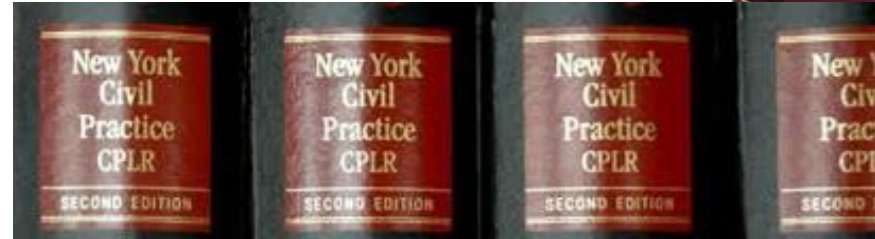
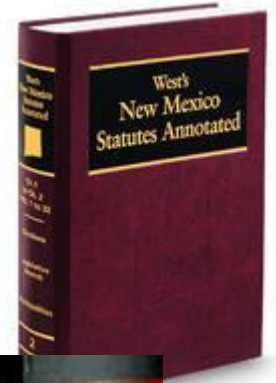
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The Foundations of Intellectual Freedom



(DEMOCRACY SORT OF REQUIRES IT.)

Freedom in the library is

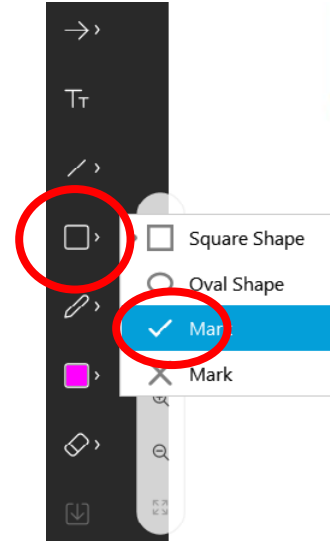
Privacy: Freedom from intrusion in personal matters.

Confidentiality: Protects the information that has been shared with you.

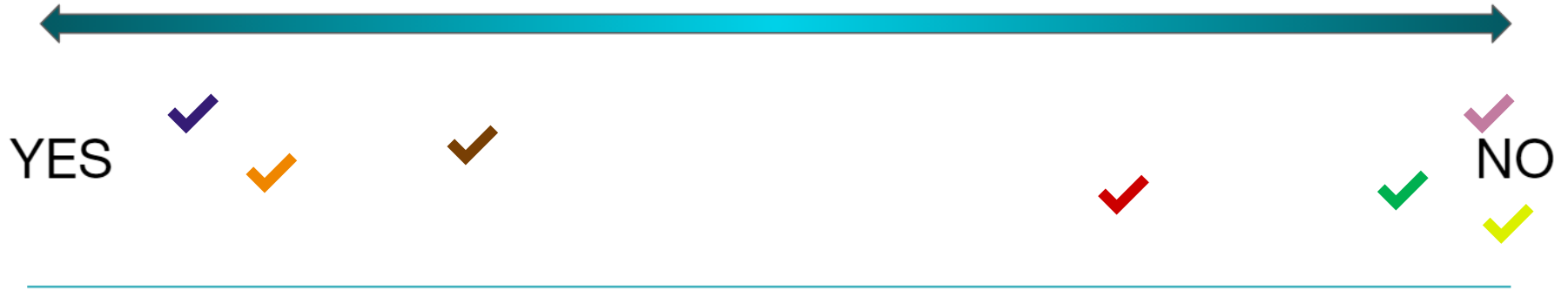
Intellectual Freedom: The rights of library users to read, seek information, and speak freely as guaranteed by the First Amendment.

Annotation Tools

1. Mouse over slide to find **small pill menu** at far **left**
2. Select top **squiggle icon** to open annotation tool panel
3. Select **square** icon
4. Select **check mark**
5. Click on slide **to practice**



Take a stand!





YES

NO

A parent of a 12 year old finds out that their child has a large fine and overdue books. She comes to the circulation desk and wants to know what the fines are for and what books are still overdue.

Would you give the parent the list?



YES

NO

What if the parent said that their child has been acting very funny lately and they are worried something bad is going to happen to the child?
Would you give the parent the list if they were worried about the child's health and safety (no overdue books/fines)?



YES

NO

What if it was a woman asking to pay her husband's
fines?

**Would you give the woman a receipt showing
which items she had paid for if she asked?**



YES

NO

What if it was a woman asking to pay her 14 year old
child's Fines?

**Would you give the woman a receipt showing
which items she had paid for if she asked?**



Any Age! ... 5 ... 8 ... 11 ... 14 ... 17 ... 20 ... Never!

At what age would stop showing a parent their
child's receipt with items listed?

What does state law say?

YES or **NO**

New York §4509 :

"Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college & university libraries & library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, **shall be confidential & shall not be disclosed** except that such records may be disclosed to the extent necessary for the proper operation of such library & shall be disclosed upon request or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute."



New Mexico Library Privacy Act

§ 18-9-4 Release of patron records prohibited.

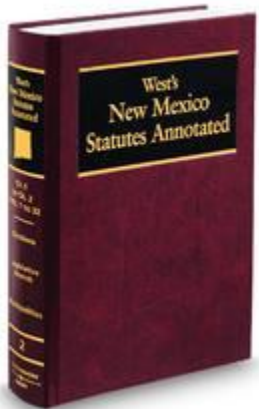
Patron records shall not be disclosed or released to any person not a member of the library staff in the performance of his duties, except upon written consent of the person identified in the record, or except upon court order issued to the library. The library shall have the right to be represented by counsel at any hearing on disclosure or release of its patron records.

§ 18-9-5 Exceptions.

The prohibition on the release or disclosure of patron records in Section 4 [18-9-4 NMSA 1978] of the Library Privacy Act **shall not apply to overdue notices** or to the release or disclosure by school libraries to the legal guardian of the patron records of unemancipated minors or legally incapacitated persons.

§ 18-9-6 Violations; civil liability.

Any person who violates Section 4 [18-9-4 NMSA 1978] of the Library Privacy Act shall be subject to civil liability to the person identified in the released records for damages and costs of the action as determined by the court.



Homework!

What does *YOUR* state law say?

YES or NO



YES

NO

A 10 year old wants to check out an R-rated DVD.

Would you let her?

What does the ALA say?

YES

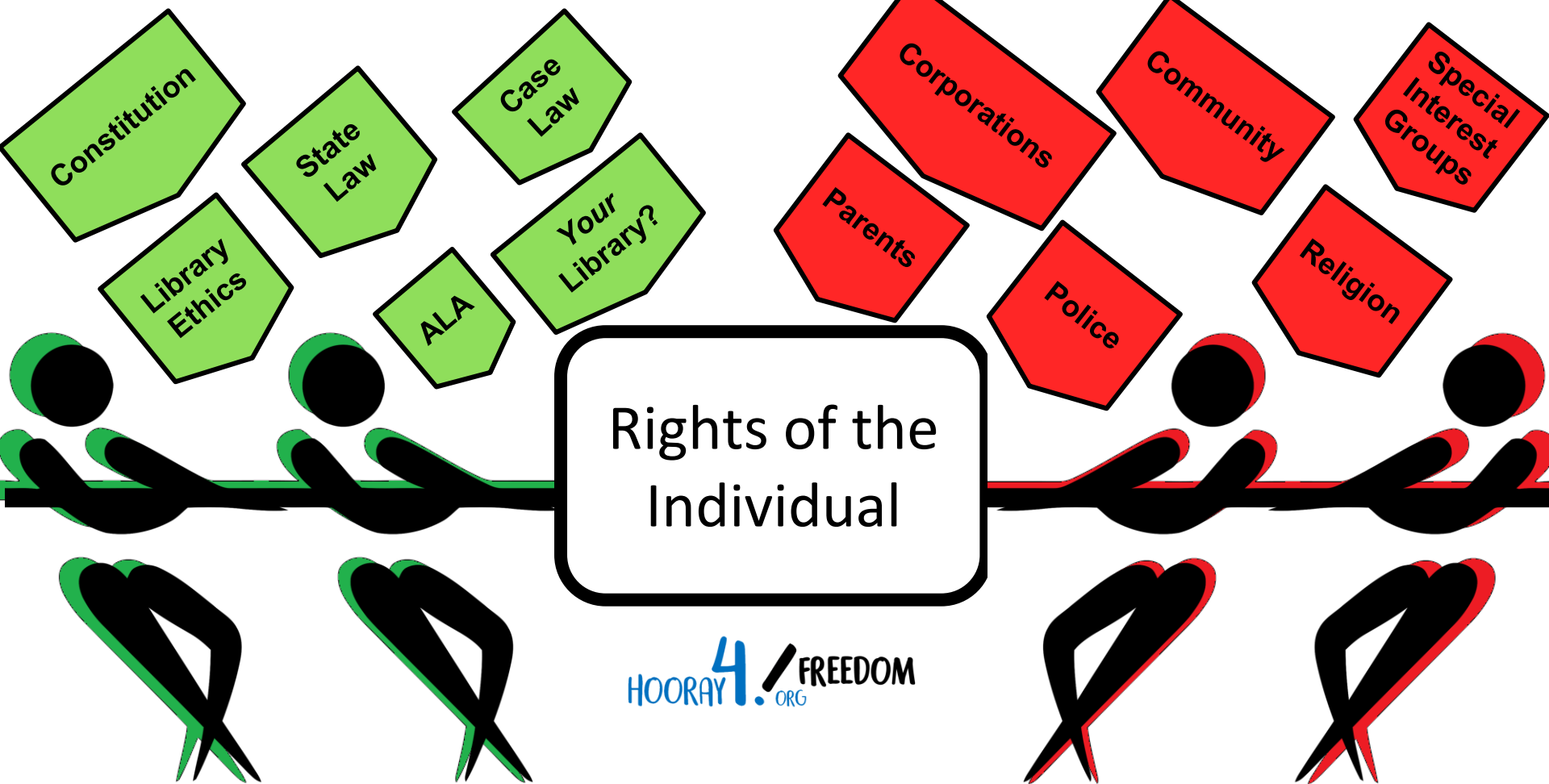
or

NO

ALA

self-censorship diminishes the credibility of the library in the community and restricts access for all library users. Children and young adults unquestionably possess First Amendment rights, including the right to receive information in the library. **Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images** a legislative body believes to be unsuitable for them. Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

ALA



HOORAY 4! FREEDOM
ORG

Dealing with Gray Areas

Turn Gray into Black & **White**
through
Structural Change
& Culture Building

Structural Change

Keep Patron Records Confidential

- Circulation procedures should maximize privacy
- Don't store Internet and registration records
- Don't use them for non-circ unless you have an opt-in

Know How to Deal with Law Enforcement

- Have written procedures
- Train your staff and volunteers regularly

Develop Realistic Policies

- Follow your own policies
- Apply policies fairly to everyone
- Have a lawyer review them

**Avoid Bad Situations through
Structural Changes**

- Separate Children and Adult Computers
- Remove patron names from circulation printouts, etc

You Can't Act In Loco Parentis

- Educate parents
- Post your policies that affect minors

Case Study—You Wanna Use it for What?

Ray is the director of the Futterman library, with a spacious public meeting room. A regular patron asks him to reserve the room to host a meeting for her church. Ray, who knows that most of his board members disagree with the controversial views of the church, asks the patron for more information about the nature of the meeting. The patrons says it is intended to be a planning meeting for an upcoming political action against another community organization, Planned Parenthood. Ray knows if he says yes his board will not be happy.

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Do patrons have a right to use a space in the library for religiously affiliated activities?

Public forum vs. limited public forum vs. nonpublic forum?

Public Forum: Traditional sidewalk corner. It is open for expressive activity.

Limited Public Forum: AKA designated public forum. Nonpublic property that has been designated as open, and as such cannot be restrictive of content. Courts have determined that public libraries are designated public forums. Religious groups can't be discounted.

<http://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/faithcenter.pdf>.

Nonpublic Forum: Property that is not open to public expression—eg. Staff meeting room. Courts determine this based on both policy and practice.

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What policies could the board have in place to support Ray in making Meeting Room decisions?

Guiding Principles:

Fit your **mission**.

Broaden access to protected speech.

Limitations must be unavoidable, **objective**,
and **evenly applied** across content areas.

Case Study—Sketchy Internet Action

Sarah is the Director of the Pinevale Library. She gets a call from a mom saying that her 10 year old son saw someone looking at inappropriate pornographic content on the computer a couple days ago. By his description the mom knows it was Mr. Sutherland who is well known in the community and always on the library computers. She demands that Sarah take action to make sure it doesn't happen again.

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Do patrons have a right to view pornography?

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Should Sarah look at the browser histories and to investigate the behavior of her patrons, specifically Mr. Sutherland?

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What is one example of something the library could do to build a culture that respects patron privacy so that her conversation with the parent is easier?

Suggested Policies to Support Intellectual Freedom

- ✓ Challenge to Library Materials
- ✓ Meeting Room / Bulletin Board / Display Case
- ✓ Internet / Wireless Use (Patron Behavior)
- ✓ Confidentiality of Patron Records
- ✓ Rights of Minors (Access to resources, Right to confidentiality, Patron Behavior, etc.)

Homework

Part 2 is on August 8 and will focus on Policies.

Does your state, local government or library system have specific allowances or protections for library patron records? How did you find this information?

Learner Guide

Hooray for Freedom!

Learner Guide

<https://www.webjunction.org/events/webjunction/hooray-for-freedom-1.html>

<https://www.webjunction.org/events/webjunction/hooray-for-freedom-2.html>

Webinar Descriptions

Part One: Privacy, confidentiality, and intellectual freedom are core values of librarianship that are easy to agree with, but difficult to implement. Hooray for Freedom! will help you assess your professional practice, give you the legal and ethical context to support democracy in your library, and help you identify practical ways to implement improvements.

Part Two: Building on part one, Hooray for Freedom! Privacy, Confidentiality, and Intellectual Freedom in the Library, this webinar will help you assess your library's current policies and procedures within a legal context, and help you draft specific policy language. We'll explore considerations for libraries of all sizes in order to codify the library profession's values for our institutions.

Presented by: Margo Gustina and Eli Guinnee

What are your goals for viewing this webinar?

Personal Goals

Team Goals

Assessing Limits to Privacy and Intellectual Freedom

Which organizations, locally, regionally, and internationally limit the privacy and intellectual freedom of library patrons? How?

- 1.
- 2.
- 3.
- 4.
- 5.

How Law Supports Intellectual Freedom and Protections for Library Patron Records

Considering some of the examples shared in the webinar, in what ways is intellectual freedom supported by the law?

Does your state, local government or library system have specific allowances or protections for library patron records?

How did you find this information?

Privacy Self Evaluation

Use the Hooray for Freedom [Library Privacy Self Evaluation](#) (pdf) to consider or discuss your library's current policies and practices related to patron privacy. Is your library already a "Privacy Superstar?" Identify those areas that "need improvement."

- 1.
- 2.
- 3.
- 4.
- 5.

Must-have Policies to Support Intellectual Freedom

Considering your library's existing and needed policies, in support of Intellectual Freedom, check off those areas that you have a policy in place or circle those you feel need to be improved or created.

- ☐ [Challenge to library materials](#)
- ☐ [Meeting room](#)/bulletin board/display case
- ☐ [Internet/wireless use](#)
- ☐ [Confidentiality of patron records](#), including law enforcement inquiries
- ☐ [Rights of minors](#) (access to resources, right to confidentiality, patron behavior, etc.)

Review [library policy examples](#) (including links above to Hooray for Freedom resources) to improve clarity for your library's policy.

Action Plan: (include some simple next steps, along with who, when, etc.)

Questions?

Submit additional questions via the WebJunction survey so we can address them on August 8!

See you then!

HOORAY 4 CONTACTS!

hooray4.org/freedom

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