

# **Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators**

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## I. FOREWORD

The document, *Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators*, was developed between January and June 2009 as part of the American Library Association's 2009 Emerging Leaders Program. The objective for Project CC, which was made up of Xan Arch, Jennifer Falkowski, Liladhar Pendse, and Emily Symonds, was to develop guidelines to be used by library directors and administrators to educate new librarians about their obligations related to privacy.

This project was initiated by Maureen Sullivan who partnered with LLAMA and its executive director, Kerry Ward, to provide support to the Emerging Leaders team. Project members interviewed library administrators to determine what an ideal set of guidelines would contain, conducted literature reviews on privacy issues within the field of librarianship, and examined library privacy policies from different types of libraries in order to develop these guidelines and address four main areas of privacy: Legal, Patron, Business, and Personnel Issues. The final version of the guidelines, as of July 2009, will be made available through LLAMA.

*Orienting and Educating New Librarians about Privacy Obligations: Guidelines for Administrators*, was created to serve as a reference for library administrators, directors, and human resource personnel who provide orientation and training to new librarians and library staff in all categories of libraries. As personal information about individuals is made more widely available online and elsewhere, it is important to stress the legal and ethical reasons for keeping patron records and other library information confidential. These guidelines do not dictate what a library's privacy policies should be. Guidelines for developing a privacy policy are available from the ALA Intellectual Freedom Committee as part of the Privacy Toolkit available through <http://www.ala.org>. The *Guidelines for Developing a Library Privacy Policy* also include a model policy and examples of policies in action, while the Privacy Toolkit provides information on privacy within libraries.

These guidelines for administrators are not meant to be an exhaustive discussion of all privacy issues affecting libraries and their employees. Instead, these guidelines serve to outline the relevant areas where privacy is a concern and to provide prompts and questions to consider when educating new librarians about these issues. The specific forms of training and orientation will depend on a library's specific privacy policies, as well as on the needs and culture of the institution.

## II. INTRODUCTION

### A. *How to use the guidelines*

Library administration should consider providing privacy training to all library staff, not just new librarians. Front line staff in particular should receive training on what constitutes a privacy issue and to whom inquiries should be referred.

## **B. Recommendations for training and orienting staff**

Training may take the form of formal group training or individual training during onboarding. Consider using illustrative stories to demonstrate the importance of privacy in libraries. Scenarios presented as a role playing activity or online simulation may also be valuable teaching tools.

Make sure to define the key terms in the institution's privacy policy and to reinforce the location of written procedures for future reference.

Retraining should be provided as needed.

## **C. Privacy documentation for libraries**

After the initial training, full written procedures should be provided to the new librarian or library staff member.

Quick reference materials should also be provided to reinforce the written procedures for responding to inquiries. For front line staff, these may consist of the contact information and chain of command for patron record inquiries, as well as a flow or process chart providing quick access to what to do or who to contact in various situations.

# **III. LAWS, POLICIES, AND ETHICS**

## **A. Federal and state laws**

Certain privacy and confidentiality obligations are based on federal and state legislation.

Discuss how the following federal laws apply to your library and what procedures your library has in place in response to these acts.

1. CIPA (Children's Internet Protection Act) – <http://www.fcc.gov/cgb/consumerfacts/cipa.html>
2. COPPA (Children's Online Privacy Protection Act) – <http://www.ftc.gov/privacy/coppafaqs.shtm>
3. FERPA (Family Educational Rights and Privacy Act) – <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
4. FOIA (Freedom of Information Act) and Privacy Act of 1974 – <http://www.usdoj.gov/oip/index.html>
5. USA PATRIOT Act – <http://www.lifeandliberty.gov/highlights.htm>

Does your state have privacy laws? Explain how they inform your library's privacy procedures.

1. ALA maintains a list of links to state privacy laws and provides information on confidentiality policies at <http://www.ala.org/ala/aboutala/offices/oif/ifgroups/stateifchairs/stateifcinaction/stateprivacy.cfm>.

2. A wiki on state laws and their applicability to library records is available at <http://library-privacy.wikispaces.com> (last update: June 16, 2008).

### ***B. Local and institutional policies***

Discuss how the regulations of your library's umbrella organization apply to your policies and procedures. For a public library, what is the relevant local legislation? Within a school media center, who is the appropriate school or district contact person? For an academic library, are there college or university policies? What role does university counsel play?

### ***C. Library ethics***

In addition to laws and regulations, a library's privacy policy and a librarian's obligations to privacy are informed by best practices and ethical standards.

New librarians should be familiar with the ALA Code of Ethics, particularly the statement "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."

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/codeofethics/codeethics.cfm>

Look also at ALA's Library Bill of Rights at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm>.

ALA's Intellectual Freedom Committee also provides frequently asked questions about relevancy of the Library Bill of Rights to privacy at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/questionsanswers.cfm>. This is intended to serve as a supplement to Privacy: An

Interpretation of the Library Bill of Rights at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/interpretations/privacy.cfm>.

### ***D. Other relevant policies***

The Fair Information Practice Principles

(<http://www.ftc.gov/reports/privacy3/fairinfo.shtm>) address the collection of personal information. These principles are based on the Organisation for Economic Co-operation and Development (OECD) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data

([http://www.oecd.org/document/18/0,3343,en\\_2649\\_34255\\_1815186\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/18/0,3343,en_2649_34255_1815186_1_1_1_1,00.html))

Recommend any other organizational policies, standards, and best practices that will help an employee new to librarianship or new to your library understand the importance of privacy and confidentiality.

## **IV. PATRON RECORDS**

Patron privacy should be addressed, given the various ways patron information is collected and stored in a particular library. Care should be taken to ensure that electronic records of these transactions are kept secure at the server level and on staff PCs and laptops, including maintaining and periodically changing secure passwords and conducting IT security audits.

Below are potential patron record issues, though not an exhaustive list. Discuss the relevant issues and how the confidentiality of these records is maintained in the library, both in terms of information kept by staff and data retained by library computer systems:

### ***A. Circulation Records***

This may include patron information such as address and telephone number, as well as circulation history, interlibrary loan requests, and other information associated with a patron, whether it is account information saved in a computer system, paper documents stored in the library, or personal details known by library employees.

### ***B. Public Workstations***

This may include search histories on the Internet and through the library catalog (OPAC), bookmarks, cookies, and browser caches.

### ***C. Server Information***

This may cover proxy servers, data gathered by third-party service providers licensed by the library, and staff or patron information saved to library servers.

## **V. BUSINESS RECORDS**

### ***A. Proprietary information for library business***

Library staff has privacy obligations relating to library business practices.

Does your institution or umbrella organization have guidelines for business practices? City and university governments often have established general business codes of ethics, and these may include guidelines for privacy of business information.

Discuss how these guidelines relate to the library's dealings with vendors and other outside organizations.

Discuss how the following types of information, for example, may need to be kept private, depending on institutional policies and organizational culture:

1. Terms of contracts with third parties, pricing and discounts received for material purchased (restraint of trade)
2. Details of vendor software or hardware design
3. Data licensed from other sources
4. Legal obligations for university or library business

5. Conversations with vendors
6. University tuition before released publicly

Be familiar with the Statement on Principles and Standards of Acquisitions Practice at <http://www.ala.org/ala/mgrps/divs/alcts/resources/collect/acq/acqethics.cfm>.

A more general resource for business privacy is the Institute of Supply Management (formerly the National Association of Purchasing Management), Principles and Standards of Ethical Supply Management Conduct (<http://www.ism.ws/about/content.cfm?ItemNumber=4740&navItemNumber=13102>).

### ***B. Non-private information***

Inform new staff what information should not be considered private when saved on work computers or servers.

This is information that may be accessed by officers of the organization, if deemed necessary.

As governed by your institution's policies, some of these areas may apply:

1. Email
2. IM logs or transcripts
3. Website history
4. Documents on your work computer

Non-private information can also be addressed as part of Laws and Policies when discussing state and local open records laws.

## **VI. PERSONNEL RECORDS**

A personnel record usually contains the following: application for employment, reference letters or recommendation letters, leave records, as well as medical and disciplinary records. Personnel may also be patrons of the library; their records of borrowing fall under the same privacy protection of other patrons.

In order to protect personnel privacy, employees should be made aware of the rules and guidelines that govern access to their files. This may include where the records are kept, who has access to the records, what documentation is retained, and whether employees have access to their own records, and if so, under what circumstances. The procedures for requesting access to personnel records should be outlined, including the appropriate reasons for gaining access and the timeline for this process.

Personnel should also be aware of what happens to their files when they are no longer employed with the library.

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