

# School Library Workers Privacy Training

## Introduction

To understand privacy and confidentiality, let's begin with easy-to-understand definitions of both. *Privacy* is generally defined by the American Library Association (ALA) as the personal right of library users to seek or use information, or to read without being monitored physically or online by others. In this context, library privacy relates to users' rights. Confidentiality exists when library workers hold, but do not disclose, personally identifiable information about library users' use of library resources except under a narrow set of circumstances such as when presented with a subpoena or court order ([ALA Privacy and Confidentiality Q&A](#)).

Privacy and confidentiality are core twin values of librarianship, and library workers have a strong commitment to extending and protecting the privacy of students using school libraries. This commitment is based on state and federal statutes as well as policy statements of library professional associations such as the American Association of School Librarians (AASL) and the American Library Association (ALA).

Unfortunately, in many cases current state and federal laws do not support a high level of privacy for students who are minors.

Privacy in school libraries differs substantially from privacy in public libraries. Public library users include adults and minors, and public library records are protected under state library records laws. Conversely, minors' privacy in school libraries is intertwined with both state and federal law. Minors are free to use a public library for information and recreational resources, but all minors must attend a school, whether it is public or private. In school, minors are a "captive audience" unlike being in a public library setting. In addition to federal and state laws, schools must consider the safety of their students. As a result, minors' privacy may be weakened.

## State Library Records Laws

Nearly every state has laws that protect the confidentiality of library records, although these laws may not apply to every type of library. Since these laws vary greatly, school library workers must be knowledgeable about their state's library records law and able to interpret how it affects the confidentiality of student library records. The laws state the conditions, or exceptions, under which library records may be released such as with a valid court order and, in a number of states, to parents or guardians. Unless disclosure is specifically required by law, minor students' library records should remain confidential. State library records laws are archived on the American Library

Association's [website](#) or can be located by searching online for "State Privacy Laws Regarding Library Records."

## The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the confidentiality of K–12 and post-secondary students' education records. The U.S. Department of Education's Family Policy Compliance Office (FPCO) has not formally issued written guidance on whether student library records are considered education records nor are library records listed as examples of such records. However, library records do meet the definition of an [education record](#). A student's library record has direct personally identifiable information about the student and is maintained by a school or other educational agency. As such library records cannot generally be disclosed without written parental consent unless there is an exception to the consent requirement listed within FERPA.

The circumstances when FERPA allows the release of education records without written parental consent are listed under 34 CFR § 99.31 of the law and summarized [here](#). These include disclosure to designated school officials with "legitimate educational interest," under health and safety emergencies, and under other exceptions such as a court order or subpoena

For more information related to school library records as education records, contact the American Library Association's [Office for Intellectual Freedom](#); the Family Policy Compliance Office at the U.S. Department of Education; and local school district legal counsel.

## Student Expectations of Privacy

When students enter a school library, two expectations of privacy should be guaranteed:

- The right to read and borrow library materials free from scrutiny regardless of age, and
- The right to seek information and have the subject of academic and personal research remain private.

Implicit in these expectations is that library staff will keep confidential the titles of resources used in the library, discussed as reference questions, reviewed online, checked out, placed on reserve, and/or sought through interlibrary loan. Although the school library supports the curriculum and student academic research, it is also a place for seeking information related to personal interests and needs. "[Privacy: An](#)

[Interpretation of the \*Library Bill of Rights\*](#)” reminds school librarians of their obligation “to an ethic of facilitating, not monitoring, access to information.”

## Foundational ALA Policy Statements

The American Library Association has created foundational policy statements related to privacy and confidentiality. They are the guiding principles by which library workers protect the privacy of students and the confidentiality of their library use records. The following resources provide the basis for library workers’ ethical practices related to privacy.

**Article VII of the American Library Association’s [Library Bill of Rights](#)** states:

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.

**Article III of the [Code of Ethics of the American Library Association](#)** states:

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.

**[“Privacy: An Interpretation of the \*Library Bill of Rights\*”](#)** states:

- Federal and state courts have established a First Amendment right to receive information in a publicly funded library. Further, the courts have upheld the right to privacy based on the U.S. Constitution. Many states provide guarantees of privacy in their constitutions and statute law. Numerous decisions in U.S. case law have defined and extended rights to privacy to all.
- All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use. *ALA and its members recognize that children and youth have the same rights to privacy as adults.* Library users expect, and in many places have, a legal right to have their personally identifiable information and library-use data protected and kept private and confidential by anyone with access to that information. Libraries should never enact policies or practices that abridge users’ right to privacy regardless of their age, ability, housing status, immigration status, involvement with the criminal justice system,

religious affiliation, ethnicity, sexual orientation, gender identity, or other forms of identity or status unless explicitly required by law.

- The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethical practice of librarianship. The rapid pace of information collection and changes in technology means that users' personally identifiable information and library-use data are at increased risk of exposure. The use of new technologies in libraries that rely on the collection, use, sharing, monitoring and/or tracking of user data may come into direct conflict with the *Library Bill of Rights* and librarians' ethical responsibilities.

## Strategies to Protect Students Privacy in School Libraries

Every school library should have a privacy policy that is approved by its school board and lays out how school library records are protected, to whom they can be released, and the circumstances under which release is permitted. ALA policy statements such as Article VII of the *Library Bill of Rights* and Article III of the *Code of Ethics* should be referenced in the policy. Depending on the robustness of a state's library records law, its text or a reference to it can be included. Additionally, the exceptions under which library records can be released under FERPA should also be included. If formal approval by the school's governing body is not possible, having informal "privacy guidelines" for use by school library workers will provide some direction. For more information about writing a privacy policy, refer to the "[Privacy Policies Field Guide](#)."

## School Library Privacy issues

Now that you understand the legal and ethical foundations of a minor student's right to privacy when using the school library, analyze these scenarios and decide on a response. Daily operation of a school library requires library workers to balance state and federal laws, core values, and ethics in order to maintain student confidentiality and privacy in a variety of situations. This does not happen in a vacuum and takes moral courage to stand up in the face of administrative pressure and school politics. For those tough conversations with administrators, teachers, and parents about students' library privacy, refer to the "How to Talk About Privacy" Field Guide

## Common School Library Privacy Scenarios

Consider these possible school library situations and how you might respond. There is no single right answer. The solutions frequently lie in the gray areas balancing state and federal laws, professional ethics, and the political dynamics within your school and district.

## Scenarios 1- 4: Overdue Items and Privacy

**1. A first grade student has not returned a book to the library, and it is several weeks overdue. Should the school library worker send a note with the title to the student's classroom teacher or speak to the student again during the class's scheduled library period?**

**What should you do?**

The library worker should have a discreet chat with the student asking for the book to be returned. Showing the student a photo of the cover of the book on the library catalog is often a great technique to trigger the student's memory. This quiet conversation preserves the confidentiality of the student's library account. Although students' privacy should be protected, very young students often have difficulty keeping track of the library books without the assistance of an adult. The classroom teacher or parent or guardian may need to become involved.

**2. A high school junior failed to return multiple books used for a class assignment. Is it permissible to send individual printed overdue notices listing the titles to a classroom and ask the teacher to distribute the notices to the appropriate students?**

**What should you do?**

A classroom teacher can distribute an overdue notice to a student if it is stapled closed with the student's name visible. The teacher should make no comment and leave it on the student's desk. This will assure the student's privacy. Students receive notices from many different departments within a school, so no one else in the class will know the origin of the notice. Classroom teachers should never be given a list or spreadsheet matching students with the titles of overdue materials.

**Are teachers aware that student library records are confidential and reading the titles of overdue items aloud in a classroom compromises the privacy of students? How can you educate teachers and other school staff about the principles of library privacy and the confidentiality of student library use records?**

Many teachers think they are being helpful when they read aloud the names of students who have overdue library materials. They are unaware of the ethical duty library workers have to preserve a student's privacy. At the beginning of the school year, the library worker should give a brief explanation at a faculty meeting, provided as a brief written note put in teachers' mailboxes, or emailed to teachers of how library notices will be distributed to maintain student privacy.

**3. Should overdue notices ever be posted publicly with a title and a student's name?**

Under FERPA, students' library records can be considered [education records](#) and must be kept confidential. Library workers, classroom teachers, and office personnel do not have the right to post student overdue notices on physical or virtual bulletin boards. No one should bring attention to individual students' reading choices by disclosing the titles of their overdue materials.

**4. The school library has established a procedure to communicate with students who have overdue materials. Every attempt is made to resolve the situation without breaking confidentiality, but after several direct appeals to the student go unanswered a parent/guardian is contacted via a generic overdue message. A parent calls the school library demanding to know the title of the overdue book.**

**How could you handle this situation? Does age make a difference?**

There are multiple things to consider in deciding on a course of action.

**The law:** *Legally* parents are responsible for the welfare of their children, and under [FERPA](#), they are given the right to “inspect or review” their children’s education records until they reach age 18. When a student becomes 18, they become “[eligible students](#)” and the rights previously reserved for parents under FERPA transfer to the student. Because the parent is responsible for returning or paying for the replacement copy, they need to know the title of the missing book if the student is under 18 and have a right to that information.

**Age of the student:** Age can make a difference in different situations. For example, younger students often have difficulty keeping track of the books they borrow from the school library. This is especially true if parents are divorced or separated, and the children shuttle between different houses. Helping parents of elementary students locate the book by telling them the title increases the likelihood the book will be returned.

Older students questioning their gender identity or sexual orientation or borrowing materials on other sensitive topics may not want that title of a book revealed to their parents. However, if the library worker has spoken with the student repeatedly about the resource being overdue or lost and offered solutions, the student bears responsibility to take some action. They can return the book or reveal that the book is lost or damaged and make arrangements to reimburse the school for the item. The school library worker can consider having the student work in the library to pay the cost of the unreturned book. This situation is a gray area dilemma for the school library worker who has a fiduciary responsibility to maintain the collection and also an ethical responsibility to protect students' privacy.

**Are there other factors to consider?**

Intellectually disabled students may need more detailed information and assistance to locate a lost book.

Some parents may not want their children to read books from a certain genre. For example, when Harry Potter books were introduced, some parents opposed their children reading books about magic. *The Golden Compass* by Philip Pullman caused controversy among some religious leaders. Graphic novels are opposed by some parents.

### **Scenario 5: Retention of Circulation Records**

**A student shows the principal a book they checked out of the school library because it is defaced with racial slurs and violent doodles. The principal contacts the school librarian and asks who checked out the book before the student who issued the complaint. What should you do?**

Under Article III of the *Code of Ethics* of the American Library Association, maintaining the confidentiality of circulation records is an [ethical principle](#) of librarianship. Many school library workers adjust the settings of circulation software to retain circulation information for only as long as is operationally necessary. Settings can be adjusted to automatically remove historical personally identifiable information and, if that is the case, there will be no checkout history to share with the administrator.

If settings had not or cannot be adjusted, speak with the principal and explain the need to maintain confidentiality of circulation records. Does this defacement truly provide a health and safety emergency? Another real possibility is that the defacement was perpetrated by someone who stumbled upon the book and did not formally check it out.

### **Scenario 6: Parental Permission and Privacy**

**A school district has five libraries: three elementary, one middle school, one high school. Elementary and middle school students are required to get a parent or caregiver's signature before they can request a book from the high school library. Explain if this policy violates student privacy and intellectual freedom rights.**

This policy violates [Article VII of the Library Bill of Rights](#). Even young children have the right to privacy when using library services. Signatures should not be required for minors to check out books from a school library. To overcome the conflict between library ethics and best practice and the school district's policy, there is another option. The library worker may suggest that the child borrow the book from the public library; however, not all children have access to a public library.

Of special note to those working in elementary libraries, the collection is purchased to support children of a certain age and book review journals do an excellent job of describing titles suitable for children at a variety of grade and maturity levels.

## **Scenarios 7- 8: Surveillance or Monitoring Software**

**7. Every high school student is issued a Chromebook. Software the district uses to filter the internet has a new feature that allows parents to look at the search history of their student. The principal wants an unsolicited message to go home to all parents/guardians every Friday with this information. There has been a spate of cyberbullying, and he thinks this might curb it. Students have not been informed that this will happen.**

**How should you respond?**

There are few privacy protections for minors using school-issued hardware and networks, and the expectation of lack of privacy online is often included in an internet safety policy. To remind students of the school's policy, library workers should post signs near the circulation desk, close to catalog computers, and on the library website informing users that surveillance software is being used and that weekly reports of their search histories are automatically sent home to parents/guardians.

**8. Special education students have accounts in an ebook service and use it to access novels for their English class. They can also post notes and see their reading history. Teachers have an access level allowing them to look at student accounts to see how many pages have been read. Several special education teachers have decided to monitor students' reading progress.**

**Explain whether this is an invasion of student privacy rights.**

It could be argued that such covert observations are supported by the "legitimate educational interest" by a school official exception in FERPA, section 34 CFR § 99.31. However, at the very least, students should be informed that their online use will be monitored by their teacher. Library workers should try to protect student privacy by encouraging teachers to speak with students rather than secretly surveil the number of pages read or notes written.

## **Scenario 9: Personal Reading Records**

**A library worker is interested in helping junior high school students keep track of what they've read over the course of the school year. He could easily issue a report for each student but would have to change the circulation software settings to keep historical checkout data for each student. Is this something that should be done?**

While it is tempting to provide reports to young readers, it is not advised because personally identifiable information is linked to users' records for a timeframe that is much longer than one typically needs to maintain an accurate inventory of library circulation. To maintain students' privacy, library workers should adjust settings to erase personally identifiable information as soon as it is no longer needed to operate the library.

### **Is encouraging students over age 13 to use a free social cataloging service like Goodreads acceptable?**

Free social cataloging services can be used by older students to keep track of their reading history. Students must meet the age stipulations and understand that the information they share is not private.

### **Scenario 10: Labeling Book Spines with Reading Levels**

**The school district has instituted a new reading curriculum, and classroom teachers are eager to have the spines of books in the school library labeled with reading level designations. They think this will help students make a better match between their reading abilities and the reading level of the books.**

#### **How should you respond?**

Everyone using the library has a right to privacy when it comes to selecting books and divulging one's reading skill. Adding reading level stickers to library books unintentionally announces whether or not reading is a struggle. One's reading ability is a private matter, and a student should not feel ashamed when learning how to read.

Library workers can add labels to books promoting award winning titles, genre, or new acquisitions but should never add reading level stickers. Library workers should educate students on how to determine if they can read independently or if it would be too difficult and may require some reading support. Check the American Association of School Librarians' [Position Statement on Labeling Practices](#) for additional information.

### **Scenario 11: Self-Checkout and Privacy**

**The local public library installed a self-checkout station and now an administrator would like to do something similar at the school library. There is no money in the budget so employees will make do with existing software and hardware. A scanner, keyboard, and monitor will be set to activate when the student scans their barcode. This is not a proprietary software specifically designed for this function, so no prompts are given. The only way to clear the screen after**

**checking out is to tap the Reset button. Many students forget this step allowing the next student in line to see what the previous student checked out.**

### **How should you respond?**

Speak with the principal and ask what problem they are trying to solve by having students check out their books on an improvised workstation. Perhaps they think this will reduce staffing needs in the library or that students will gain computer skills. Inform them that student circulation records are confidential and that library personnel must keep that information private. Students should not have access to each other's accounts. Many students are unable to accurately check out their library materials without prompts from a library worker. Inaccurate scanning of materials reduces the accuracy of the inventory and often leads to problematic situations where a student finds they have the wrong books checked out under their account. This leads to uncomfortable conversations with library personnel and many lost materials that can't be borrowed by those who request them.

### **Scenario 12: Vendors and Student Privacy**

**The district has been an early adopter of software that promotes reading. One of the company's marketing tools is to promote the many charts and graphs that can be built based on data collected from users. The company would like to use the district's data set to create more reports that can be marketed to customers. Should the district share the data? It would get a substantial discount on next year's subscription fee if it does.**

### **How should you respond?**

Vendors who sell software applications and online subscriptions and services to schools should be aware and in compliance with the [Children's Online Privacy Protection Act \(COPPA\)](#). Vendors should be asked about steps they take to preserve the privacy of users. All [personally identifiable information](#) for student users should not be retained. Any data that the company needs to improve usability must be anonymized, and individual users should not be tracked. The school district should decline to share user data with the company even though the annual subscription fee would be reduced.

### **Scenario 13: Censorship and Privacy**

**Recent school shootings have sparked student interest in certain fiction and nonfiction titles in your high school media center. A father who has noticed his son reading David Cullen's *Columbine* at home calls the principal concerned that a book like this becomes a primer, instructing students how to conduct such an act. The principal approaches you not asking to remove the title, but rather to**

relocate it and several others of similar content to the library office or workroom until interest fades.

### How should you respond?

[Parents have the right to monitor what their children are reading](#) (paragraph 7), but that right does not extend to what children outside their household are reading. Students have the right to peruse anything in the school library collection and check out what appeals to them. Putting books that may seem controversial to some in a back room or behind the circulation desk is a form of censorship and curtails [intellectual freedom](#). Remind the principal that just because a student reads a book on a tough problem facing society does not mean the students will act out with antisocial behavior. The book should remain accessible on the shelf with the rest of the collection, and students should not have to ask for the book.

### Scenario 14: Mental Health and Safety Versus Student Privacy

**A school library worker notices that a previously happy, seemingly well-adjusted student has become despondent. The student has checked out books on suicide and made comments to peers about being “worthless.”**

#### What should you do?

All students who use the school library have the right to access information of interest and do so without undue monitoring or judgement of the library staff. [Article VII of the Library Bill of Rights](#) clearly states this right is given to everyone no matter their age. In this situation, however, the library worker is noticing a marked behavior change, coupled with the student’s worrisome comments, and the choice of reading materials. These circumstances taken together will rightly trigger concern for the student’s safety. The school library worker should have an immediate conversation with a school counselor or nurse. This can be done without divulging the student’s library records but moves toward getting the student the mental health assistance he needs.

### Scenario 15: Surveillance Cameras

**A school district concerned with student security and increasing vandalism is installing surveillance technology throughout its campus, and several cameras will be placed in each library. How can school library workers maintain student privacy?**

Surveillance cameras are becoming ubiquitous on school campuses. Cameras in the library should be kept away from the circulation desk, online catalog computers, and shelving. Strategic camera placement will minimize the likelihood of divulging the titles of items being checked out. Positioning cameras near the entrance or in a study space might be a compromise administrators could consider. High traffic areas would be

monitored to assure safety, but students would still have a measure of privacy when selecting materials.

## **Additional Resources**

For additional information for protecting students' privacy in a school library, check out:

- [Privacy and Confidentiality Q&A](#) (Section IV. Minors Rights; questions 28-31)
- [Library Privacy Guidelines for Students in K-12 Schools](#)