

# Privacy in Practice:

## Library Public Services and the Intersection of Personal Ideals

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### **Anonymity. Confidentiality. Privacy.**

These similar, yet distinct, concepts require nuance in a setting that is both public and highly personal. Your public library is just that: yours but also public. How do these concepts and the way individuals value them personally become reconciled within the library, a public institution that both safeguards and shares information? How do the privacy rights of adults and children, guardians and intimate partners, intersect and diverge at the library?

### **Privacy**

This is one of our human rights. It is the right to exist without being observed or without anyone having information about your activities. Libraries, in accordance with the Code of Ethics of the American Library Association (1995), “protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.” In accordance with this, the Jackson County Library Services (JCLS) Patron Privacy and Confidentiality policy (2018) 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.”

Librarians have a professional commitment to protect the privacy of patrons, as this is the cornerstone of the trust relationship between them and the public. This commitment must be resolute for freedom of information to be upheld. Libraries have a responsibility to create a collective definition, in the way of policy, of what patron privacy means. Contextualizing patron privacy necessitates creating a framework for the practicalities of implementation by frontline staff. Such a framework should consider anonymity, confidentiality, and privacy as they relate to the unique setting of libraries. For example, one way libraries are unique from an elementary school is that privacy is extended equally regardless of minor

age status. So while a teacher would have the ability to discuss all aspects of a child's school activity with a parent, this is not the case in the library setting. The uniqueness of this setting results in privacy practices that can surprise patrons and cause discord.

Clearly defining the reasons why patron privacy policy is written as it is gives staff the necessary knowledge and language to have privacy conversations with patrons. Staff having a deep understanding of the reasons behind patron privacy also creates more buy-in for policy compliance that benefits them during difficult patron conversations.

### **Anonymity**

As public spaces, libraries cannot guarantee anonymity. Patrons who are able to gain access to the online catalog and digital resources, or who can call in for reference services, bypass the exposure of their library use by interacting with the library from the anonymity of their homes. In-person transactions for readers' advisory or reference services are a use-at-your-own-risk endeavor observable by others who are also using the space. However, anonymity in terms of someone being in the building is protected from third parties who may inquire about a patron's presence, such as family members or law enforcement.

### **Confidentiality**

The two issues that come up around confidentiality are personally identifiable information (PII) and personal data (PD). Libraries retain PII in patrons' library accounts. These pieces of information are name, address, phone number, email address, birthdate, and driver license number. This information should not be shared or used inappropriately, and policy must include this assurance. PD covers more territory and can be understood as metadata—information that connects someone to their behavior, such as habits, likes, dislikes, friends, relatives, organizations—that combined will create a profile of that person. Whether inaccurate or accurate, this profile could be used to cause harm or violate privacy.

As the Assistant Director of Public Services for Jackson County Library Services (JCLS), it is my responsibility to ensure that frontline staff understand how and why patron privacy must be protected. An anchor for successfully fulfilling this responsibility is the Library Bill of Rights (American Library Association, 2019) statement VII: "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use."

Much of the focus on library privacy currently centers on cybersecurity and internet privacy. These are crucially important issues for library IT departments and staff who oversee the ILS and e-resources. Following cybersecurity and internet privacy best practices can help ensure that patron privacy is being maintained. Librarians can design cybersecurity and internet security literacy programs, employing experts to help patrons understand risks and ways to protect themselves.

These, however, are not the privacy issues that frontline library staff encounter during patron transactions. The most common privacy scenarios frontline staff encounter are when dealing with holds release, youth accounts, readers' advisory, and people being sought by relatives or law enforcement. While patron privacy issues number more than these four, they are the foundation for the privacy training that frontline JCLS staff receive.



## Holds Release

The JCLS holds release policy described in the JCLS Circulation Policy (2021) can be summed up by these principles:

- one user, one card;
- no linking accounts;
- no creation of PD.

Although protecting the privacy of patrons' accounts is not a new practice, a loose treatment of accounts can be common in libraries. Some couples or families are in the habit of sharing one card or using another family member's card because they've misplaced theirs. While staff cannot prevent these agreements between family members or the sharing of accounts, JCLS adheres to the "one user, one card" principle whenever possible. Not knowing whether a family member has given uncoerced access to their card to someone else, best practice is to encourage all family members to have their own accounts. Potential problems abound, such as one family member not returning materials on an account that is not theirs, resulting in fees for which the cardholder is responsible. Emphasizing the benefits of individual membership, such as being able to place more holds and check out more items—especially digital materials for which more limited checkouts are common—and helping children build a sense of responsibility in a low-risk way, are examples of how to soft-sell individual membership.

Recently, JCLS eliminated the practice of linking accounts for several reasons relating to privacy. Linking accounts creates PD by associating a person with someone else. Linked accounts can become problematic when someone's relationship status changes. Safeguarding patrons' accounts for the unforeseeable change in relationship status is a valid reason to not link accounts, even if a patron would prefer it. A linked account is never fully private, as both parties have access to each other's usage. At the least, in library systems where linked accounts are in practice, full explanation of the privacy implications of linked accounts should be shared with all patrons, no matter their age.

While having to provide the card or account number in order to pick up holds for someone else has been part of JCLS policy for a long time, compliance was low. In 2019, JCLS staff was given privacy training that emphasized compliance with this standard. Arguments for allowing others to pick up holds centered around ease for patrons and staff, and staff not wanting to have to enforce the policy, especially in the smaller libraries where a great deal of familiarity between staff and patrons exists. Knowing the status of someone's familial relationships should not intersect with library activity, even if this person is well-known to staff. This can lead to dangerous assumptions, as no one ever really knows what is going on in someone else's family. Poor boundaries often get confused with good customer service.

Setting clear and appropriate boundaries is one of the biggest challenges for many staff, especially if patrons have become accustomed to using someone else's account or picking up someone else's holds without having the card or account number. There are real and serious concerns surrounding noncompliance with this practice. Noted examples of this practice going awry exist, such as a husband picking up his own holds and asking if his wife had any holds he could also pick up. She did, in fact, and her holds contained books on divorce. Two consequences of this breach of privacy were staff fielding a call from the irate wife and a patron whose trust in the library had been broken. The consequences at home for the wife may have also been severe.

## Youth Accounts

Youth accounts and parent or guardian access are areas where staff can use the most support from a clear privacy policy. Parents are accustomed to having unfettered jurisdiction over every aspect of their children's lives and believe that this will naturally extend to their children's library use. The ALA recognizes that children and youth have the same rights to privacy as adults. The JCLS Patron Privacy and Confidentiality policy adopted in 2018 states:

The Library respects the privacy of all library patrons, regardless of age. Parents, guardians or caretakers of a child under age 18 who wish to obtain access to a child's library records, including the number or titles of materials checked out or overdue, must provide the child's library card or card number.

In February 2021, JCLS changed its Circulation Policy to create more privacy for youth cardholders yet allow for some parental/guardian access, although with clear rules. The changes included defining age tier permissions for parent/guardian access to a minor's card and the addition of a minor access card. The Circulation Policy states:

The Library safeguards the privacy of all patrons no matter their age. A parent/guardian may have access to a child's record for which they are the responsible party according to the following schedule. In all cases, a parent/guardian requesting access to a child's record for which they are the responsible party must have the child's library card or card number. In all cases, Staff may not give access to the parent/guardian if the child has a Minor Access Card.

The schedule referred to is the age tier permissions. For youth 12 years of age and younger, if the parent/guardian who is the responsible party on the child's library card shows ID and has the minor's card or card number, staff may allow unrestricted access to the child's record. For youth ages 13 to 17, parents/guardians may pick up held items for the child if the parent has the child's card or card number. Parents may have information that allows them to settle fees. No other information may be disclosed. By keeping the granting permission in the hands of the child who must provide their card or disclose their account number for someone to have access, greater privacy is extended.

The addition of the minor access card serves two purposes. JCLS staff recognized that some youths do not have a stable home environment that allows for a parent or guardian to authorize them to get a full-service card. This unfortunate situation that is no fault of the children's limits their free access to information. The second reason is privacy. JCLS recognized that there are youth who feel they do not have support at home to read material they want or need. Following the ALA's standard that youth have the same rights to privacy as adults, this card with limited privileges (a two-item limit) and no financial penalty for loss or damage allows for unmonitored access. This is especially important for youth who are seeking information on sexuality or gender identity, substance abuse, depression, or who are in an abusive home situation.

### Readers' Advisory

Providing patrons with readers' advisory (RA) services, while not immediately obvious as being a privacy concern, does have such implications. A lack of privacy in what one reads or views can significantly restrict library users' willingness to exercise their freedom to read, thereby impairing free access to ideas. When done correctly, RA includes recommending books without judgment while maintaining the privacy and confidentiality of the patron. During the interaction, key elements of protecting privacy are:

- being mindful to not ask the patron's name or to not use language that shows bias;
- asking questions to increase understanding but that avoid prying;
- speaking at a low volume level;
- avoiding commentary about reading choices—even if they are positive comments;
- using neutral language to create an environment where patrons feel their privacy is respected.

Privacy is a bias issue. Not having awareness of and thereby perpetuating bias can have a chilling effect on patrons. By eliminating prying questions and unsolicited opinions from the RA transaction, patrons will feel more comfortable seeking assistance even in relation to topics where discretion matters. Perceived judgment can feel like a violation of privacy. The consequence of this is that patrons may decide to not seek assistance when choosing books to read.

### Third-Party Inquiries

While open observation is a possibility, and anonymity is not guaranteed when patrons are inside library buildings, divulging whether a patron is in the building must be safeguarded by staff as a privacy issue.

Consider this example: A visibly upset parent comes into the library and asks staff if their child has been at the library, explaining that the child has run away. The emotionality of the situation can cause staff to question the need to protect a patron's privacy. It is not uncommon for parents to ask staff to call them, or the police depending on the circumstances, if their child is seen in the library. While a child on their own has inherent dangers, there are sometimes dangers at home that may be the reason why a child has left. Staff cannot and should not make a judgment call either way.

It's difficult yet imperative to adhere to the privacy policy and explain to the parent the right of all patrons to undisclosed use of the space. Parents may look for the child on property, and the staff may go so far as to assure the parent that if they see the child, they will alert them that their parents are searching for them.

Similar situations occur with law enforcement, as officers are often unfamiliar with library privacy policies. Officers may freely search a library for an individual, but staff are not obligated to disclose whether they have seen the individual. A seemingly innocuous question by an officer, like the name of a person logged on to a public access computer, often makes staff question whether they can deny an authority figure they have been taught their entire lives to obey. Clear privacy policies and adherence to the ALA values on patron privacy help guide staff faced with these situations.

Equity, diversity, and inclusion (EDI) standards and policies are also an important aspect of protecting patron privacy. Libraries as refuges for the marginalized is a long-standing tradition. Immigrants who are living in the United States without the required documentation need assurance that their privacy and resident status will not become a barrier to seeking important resources they can access freely only at the library. The teenager looking for a safe place to access information on issues they don't feel safe discussing at home needs to know that their checkouts will not be shared with their parents. The person who has fled a domestic violence situation needs to know that their presence at the library will not be disclosed to their partner who is inquiring to staff about them.

Library workers, superheroes as they are, are humans first; sliding into lax habits regarding patron privacy will happen. Frontline staff have the added challenge, on top of their demanding jobs, to recognize when the library's privacy policy conflicts with their own ideals about parenthood, partnership, or the authority of law enforcement. One of the unique aspects of library work is how staff are required to set themselves and their opinions and beliefs aside when they are serving patrons.

Because some patrons can be at great risk when their privacy is not protected, adhering to policy must never be taken lightly. This is not to minimize the discomfort that doing so can produce in staff. Making a review of patron privacy an annual training will stimulate important conversations and ensure that the team's focus is on patrons first. It is a point of pride in library work to be looking out for patron privacy even when patrons do not know that you are.

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