

Stillwater Public Library, Confidentiality of Library Records

The American Library Association “affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship”. In a library, the right to privacy is the right to open inquiry without having the subject of one’s interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.

All library users have the right to be free from any unreasonable intrusion into or surveillance of their lawful library use. The New York State Confidentiality Law protects the privacy rights of library users. This law prohibits the release of any information relating the name of a person and his/her library use without a properly executed subpoena from a court of law.

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and 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 and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Under this law, Library Directors, staff and volunteers cannot:

- Tell a third party whether a person has a library card
- Write the name of a borrower on a book card which is placed in the book
- Tell a parent what his/her child has borrowed, even if it is overdue
- Send a reserve notice or overdue reminder on a postcard
- Reveal the nature of someone’s reference question to another person

This law makes it quite clear that a person’s library use habits are strictly private. Users have the right to know what policies and procedures govern the amount and retention of personally identifiable information, why that information is necessary for the library and what the user can do to maintain his or her privacy. Library users expect to have their information protected and kept private and confidential by anyone with direct or indirect access to that information. Also, according the Library Bill of Rights, “a person’s right to use a library should not be denied or abridged because of origin, age, background, or views”. This precludes the use of profiling as a basis for any breach of privacy rights. Everyone (paid or unpaid) who provides governance, administration, or service in libraries has a responsibility to maintain an environment respectful and protective of the privacy of all users. Users have the responsibility to respect one another’s privacy.

Approved on: 9/13/2022