

Protecting Patron Privacy

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Libraries have a duty to their patrons to not only provide them with resources, but also protect their patrons' privacy. By keeping to a strict ethical code, libraries protect the rights of patrons from being violated by other institutions that could cause them harm.

Anonymity is something that is an important part of the library loaning process. In an editorial by Michael Kelley in *Library Journal*, he recalls an experience of borrowing a book and having the sudden epiphany that "the library only required the barest information in exchange for this entitlement, and there was an explicit guarantee that my privacy would be respected: my reading would remain anonymous" (Kelley). Only the library would have information regarding his reading. It is understood that he is a taxpayer and therefore has rights to the resources of the library and, in turn, the library respects his privacy by keeping him anonymous to the community and protecting his right to read. There are some cases where there is a question of how much a person's anonymity is protected by libraries. In an article from *Reference & User Services Quarterly*, the concept of self-service holds is questioned. While only a minority of libraries uses the service, it is still challenged as a violation of patron privacy. By implementing a self-service system for library holds, patrons can see what other patrons are requesting on the shelf left open to the public. In Michigan, there is a statute that states libraries cannot release library records (in part or whole) "without the written consent of the person liable for or return of the materials identified in that library record" (Stevens, Bravender and Witteveen-Lane, 2013 p.33). The article continues to show how libraries using the self-service holds have different ways of doing. Some withhold parts of names or only include the library account number while others wrap the books on the shelf to keep patrons from seeing who's checking out what. The fact remains that an

important part of a patron's rights of the library is to have their records unavailable to prying eyes. Libraries don't just protect patrons' history with the library, but also keep other information private for the sake of the patrons.

While libraries do not collect an abundance of information about their patrons, what information they do have they are required to keep private. Withholding personal records is another important part of libraries protecting patrons and their privacy. When working at a college library, one of the most important things that library staff emphasized was that we were never to give out information about students. We had a database with emails and occasionally phone numbers and addresses. People would come up claiming to be personal friends and asking for information about a student, but we were obligated not to give out the information. Libraries owe it to their patrons not to violate the trust when they are given personal information. Another known case comes from Michigan when a law student. An article in *American Libraries* states that "Caleb Marker, a summer intern at the law firm of Flory and Associates in Okemos, sent the request on the firm's stationery...to at least 85 public libraries whose names begin with the letters A through H" (Johnson). The article continues to say Marker was quoted as saying the information was being used for gathering research (possibly for a graduate thesis) and he wasn't surprised when the libraries denied him access. The libraries denied Marker the information in order to protect the patrons he was asking for information about.

There are instances where institutions of government believe that they have precedence over citizen's privacy, such as the Patriot Act. Libraries have always held firm against violating their patrons' rights. There are many cases where government

agencies (most notably the FBI), will attempt to employ their authority over libraries but libraries often deny them without proper warrants. One well-known instance comes from the Connecticut Four. In the wake of 9/11 and the Patriot Act, government agencies used protecting the nation as an excuse to exercise their power over other institutions. In the case of the Connecticut Four, there was a threat letter sent to FBI headquarters in New Haven. The email traced back to a group of public libraries. The agency came in, demanding the libraries hand over the information they had on potential patrons. The librarians, however, countered the National Security Letter by saying it was a violation of freedom of speech. The letter turned out to be a hoax, but the event triggered a lawsuit from the librarians. According to a USA Today article by Richard Willing, librarian George Christian was ‘shocked’ that the government could demand records, as well as keep him ‘gagged’ from telling any of his colleagues about it. In the article, Christian said “The idea that the government can secretly investigate what the public is informing itself about it chilling” (Willing). The lawsuit that followed brought into question any instance of the National Security Letters. Libraries have long been challenging demands of the government for private records. In an American Libraries article by Fredrick Stielow, it’s clear that practices of defying federal agencies has been strong for many years:

“At the start of World War II, the FBI was investigating the pro-Fascist leanings of Boris Brasol, an author, lecturer, and former diplomat. Brasol had deposited 46 boxes of his papers with LC's [Library of Congress] Manuscript Division in late 1939, specifying use restrictions that expired in 1953. FBI agents were nonplussed when their requests to see these

papers were routinely denied. Hoover responded to these denials on Oct. 22, 1942, by going through channels to Attorney General Francis Biddle. Biddle then contacted Librarian of Congress Archibald MacLeish with demands for access in the interest of national security.” (Stielow, 1993, 709)

Libraries owe it to their patrons to keep information out of the government’s hands if they do not have authority. While it can be argued that withholding records from federal agencies is an obstruction of justice, it can also be said that libraries are simply protecting citizens’ constitutional rights when they deny large, faceless agencies information without proper permission.

Libraries are entrusted with a great deal of people’s private information. As a result of this trust, they are charged with protecting people’s privacy, both as patrons of the library and members of the larger community.

References

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