

## **Lower Merion Library System - Privacy and Confidentiality Policy**

### **I. Introduction: Your Right to Privacy**

Privacy is essential to the exercise of free speech, free thought, and free association. The courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution. Privacy has deep roots not only in law, but also in 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.

### **II. Lower Merion Library System Commitment to Confidentiality**

The Lower Merion Library System (LMLS) recognizes your right to privacy regarding the questions you ask and the materials you borrow. This notice explains your privacy and confidentiality rights, the steps LMLS takes to respect and protect your privacy when you use library resources, and how LMLS deals with personally identifiable information collected from users. LMLS makes this notice easy to find on its home page and posts copies in each library.

### **III. Confidentiality of library records**

Pennsylvania State Law mandates that "records related to the circulation of library materials which contain the names or other personally identifying details regarding the users of the State Library or any local library which is established or maintained under any law of the Commonwealth or the library of any university, college, or educational institution chartered by the Commonwealth or the library of any public school or branch reading room, deposit station or agency operated in connection therewith, shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding." (PA 24 P.S. Section 4428)

### **IV. Information LMLS Collects**

The Lower Merion Library System collects the following information for library card registration: name, address(es), phone number(s), date of birth, driver license number, gender, email, and assigned barcode. The library also retains records listing all materials currently checked out, overdue materials until returned, fines paid and waived, current interlibrary loan, intersystem reserve requests, and electronic reference requests. When a borrower returns an item, the patron barcode number is retained on that item until it is checked out again and returned. LMLS may also collect this information from donors and other library supporters.

LMLS does not ask library visitors to identify themselves or reveal any personal information unless they are borrowing books, requesting special services, registering for programs or classes, or making use of the LMLS public workstation computers.

Some of the databases LMLS offers require the barcode number of the user's library card for verification purposes. Database vendors do not have access to patron records. These sites may have different privacy policies.

## **V. How LMLS Protects Your Information**

Patron library use records are private and confidential under Pennsylvania law. LMLS will not collect or retain your private and personally identifiable information without your consent. Further, if you consent to give us your personally identifiable information, LMLS will keep it confidential and will not sell or license personal information to any third party without your consent, unless we are compelled to do so under the law or to comply with a court order. Only those authorized by LMLS have access to personally identifying information for the purpose of performing library work.

To ensure the privacy and confidentiality of individual library use records, patrons are advised to not allow others to use their library cards or library account information. LMLS deems patrons who allow third persons to use their library cards or library account information to have consented to the access of their private and confidential library use records by the recipients of their library cards or account information. Adults choosing to link their library accounts through Associations have likewise consented to the sharing of account information.

For library administrative purposes, information may be shared with certain individuals or corporations outside the library, such as automation vendors in the normal course of database creation and management or agencies utilized in the collection of overdue materials and outstanding fees.

LMLS never uses or shares the personally identifiable information provided to us online in ways unrelated to the ones described above without also providing you an opportunity to prohibit such unrelated uses, unless we are compelled to do so under the law or to comply with a court order.

In addition:

- Patron information will not appear on any circulation records available to the public.
- Notice of overdue, lost, or reserved materials will be mailed in a sealed envelope.
- **When notifying patrons of the availability of reserved or requested materials, titles will be given only to the person making the request.**
- **Requests for information about materials associated with patron accounts (adult or child) can only be responded to if the patron provides the barcode number on the library card, or if patrons' accounts are associated.**
- In accordance with the LMLS Internet Use Policy, due legal process is required to access LMLS computers or any information stored therein.

## **VI. Legal Compliance**

LMLS authorizes only the Library Director to receive or comply with requests from law enforcement officers. LMLS will not make library records available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction that shows good cause and is in proper form. LMLS will not respond to verbal requests.

As a public institution, LMLS is legally obligated to comply with the information request requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, commonly known as the USA Patriot Act, enacted on October 26, 2001 . Should library records be requested under the USA Patriot Act, the law states that library staff shall not inform the person about whom the information is requested, nor speak to co-workers, the media or other government officials about the inquiry.

## **VII. Redress**

Library users who have questions, concerns or complaints about the library's handling of their privacy and confidentiality rights should file written comments with the Director of Libraries. LMLS will respond in a timely manner and may conduct a privacy investigation or review of policy and procedures.

*Approved December 7, 2004*