

## Montana State Library Commission

# Statement on Privacy and Confidentiality of Library Records

### Purpose

This privacy statement explains the privacy and confidentiality rights of Montana State Library (MSL) patrons and the responsibilities and steps taken by MSL to respect and protect patron privacy. This statement also informs users of instances when, due to patrons' own self-identification, MSL may not be able to protect the privacy and confidentiality rights of patrons.

### Scope

This statement explains all practices and procedures followed by MSL to ensure the privacy of MSL patrons. This statement also identifies user practices that may limit MSL's ability to ensure patron privacy.

## Privacy and Confidentiality Practices

### Legal protection

The Montana State Library (MSL) protects the privacy and confidentiality of all library users as established in law:

*Montana Code Annotated 22-1-1103. Nondisclosure of library records.*

1. No person may release or disclose a library record or portion of a library record to any person except in response to:
  - a. a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library; or
  - b. an order issued by a court of competent jurisdiction, upon a finding that the disclosure of such record is necessary because the merits of public disclosure clearly exceed the demand for individual privacy.
2. A library is not prevented from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation if those reports are presented so that no individual is identified therein.
3. Library records may be disclosed to the extent necessary to return overdue or stolen materials or collect fines.

### American Library Association Code of Ethics

The responsibility to protect the privacy and confidentiality of all library users is also in accordance with the [American Library Association's Code of Ethics](#): "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."

### Notice and Openness

MSL posts publicly the library's privacy and information-gathering practices. Whenever practices change we notify our users.

MSL avoids creating unnecessary records. MSL avoids retaining records not needed for library business purposes, and MSL does not engage in practices that might place information on public view. Information MSL may gather and retrain about current library users includes the following:

- Name, address, telephone and email address.
- Records of material checked out through the MSL integrated library system \*\*These records are deleted 60 days after library materials are returned.
- Information required to respond to a patron-initiated reference request (e.g. name, address, telephone and email address). \*\*If information is not needed for further follow-up, personal information is not retained.

### **Choice and Consent**

MSL will not collect or retain private and personally identifiable information about patrons without consent. If consent is given to retain personally identifiable information through the request for a library card or a request for information, MSL will keep the information confidential and will not sell, license or disclose personal information to any third party, without patron consent, unless required by law to do so.

If MSL makes a service available for patron convenience that may in some way lessen our ability to protect the privacy of personally identifiable information or the confidentiality of information about patron use of library materials and services, MSL will: 1.) Provide a privacy warning regarding that service; and 2.) Make it possible for patrons to "opt in" or "opt out" of that service.

MSL uses certain technology including blogs and wikis to facilitate public communication. If a patron chooses to share private, personally identifiable information or any other information in a public forum created and/or maintained by MSL, that patron forfeits his or her expectation of patron privacy.

### **User Access and Responsibility**

MSL patrons are entitled to view their own personally identifiable information and are responsible for keeping information accurate and up-to-date. Please contact MSL to view personal information. Personally identifiable information for patrons, including minors, will only be shared with persons other than the patron if the permission of that patron is granted in writing or if MSL is ordered to share this information by a court order issued by a court of competent jurisdiction (see records requests).

### **Data Integrity and Security**

MSL takes reasonable steps to assure data integrity. MSL protects personally identifiable information by electronically purging or manually shredding data once it is no longer needed for library business purposes. MSL ensures that aggregate, summary data is stripped of personally identifiable information.

MSL regularly remove cookies, web history, cached files, or other computer and Internet use records and other software code that is placed on public access computers.

MSL records IP addresses for website users. This information is used to administer websites, analyze use trends, to determine the popularity of content and to gather broad demographic data. IP addresses are not linked to personally identifiable information.

### **Items on Hold**

Items placed on hold for library users are not placed in public view.

### **Third Party Security and Public Networks**

MSL ensures that the library's contracts, licenses, and offsite computer service arrangements reflect our policies and legal obligations concerning user privacy and confidentiality. Agreements address appropriate restrictions on

the use, aggregation, dissemination, and sale of that information. When connecting to licensed databases outside the library, MSL releases only information that authenticates users as registered MSL borrowers. Nevertheless, users must be aware, when accessing remote sites, that there are limits to the privacy protection the library can provide.

Some users may choose to take advantage of RSS feeds from the library catalog, public blogs, hold and overdue notices via e-mail, and similar services that send personal information related to library use via public communication networks. These users must also be aware that the library has limited ability to protect the privacy of this information once it is outside our control.

### **Cookies on patrons' personal computers**

Users accessing the library's website will need to enable cookies in order to access a number of resources available through the library including the Montana GIS Portal and the Montana Memory Project. Our library servers use cookies solely to verify that a person is an authorized user in order to allow access to licensed library resources and to customize content to that user's specification. Session cookies sent by our library servers will disappear soon after the user's computer browser is closed. Users who choose take advantage of certain features such as My Favorites in the Montana Memory Project and Saved Maps and searches in the GIS Portal must allow persistent cookies to do so. For more information about the use of cookies please refer to these applications.

### **Additional Security Measures**

MSL procedures limit access to data and ensure that those individuals with access do not utilize the data for unauthorized purposes. MSL limits access through use of passwords and storage of data on secure servers.

### **Staff Access to Personal Data**

Library staff may access personal data stored in the library's computer systems only for the purpose of performing their assigned library duties. Staff will not disclose any personal data collected from patrons to any other party except where required by law or to fulfill a patron-initiated service request. The library does not sell, lease or give users' personal information to companies, governmental agencies or individuals except as required by law or with the user's authorization.

### **Enforcement and Redress**

Written questions, concerns, or complaints about MSL handling of privacy and confidentiality rights may be filed with the State Librarian. MSL will respond in a timely manner and may conduct a privacy investigation or review of practices and procedures.

### **Records Requests**

MSL 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, showing good cause and in proper form. MSL has trained all library staff and volunteers to refer any law enforcement inquiries to the State Librarian.

The State Librarian is custodian of library records and is the only party authorized to receive or comply with public records requests or inquiries from law enforcement officers. The State Librarian may delegate this authority to designated members of the library's management team. The State Librarian confers with the lead attorney from the state Agency Legal Services Bureau before determining the proper response to any request for records.

## **Illegal Activity Prohibited and Not Protected**

Users may conduct only legal activity while using library resources and services. Nothing in this statement prevents MSL from exercising its right to protect its users, staff, facilities, network and equipment from harm, or to prevent the use of library facilities and equipment for illegal purposes. The library can monitor public computers and external access to its network and reserves the right to do so when a violation of law or library policy is suspected. Staff is authorized to take immediate action to protect the security of library users, staff, facilities, computers and the network. This includes contacting law enforcement authorities and providing information that may identify the individual(s) perpetrating a violation.