

# Patron Privacy Policy

**Introduction:** The Two Harbors Public Library is committed to user confidentiality. The confidentiality of library records is a core part of library ethics and the Two Harbors Public Library follows the Code of Ethics of the American Library Association (Appendix A) and the American Library Association's Policy on Confidentiality of Library Records (Appendix B). Library patron privacy is also covered by Minnesota State Law, in particular Minnesota Statute 13.40 Library and Historical Data (Appendix C) Privacy is essential to the exercise of free speech, free thought, and free association, and do our best to protect patron records and patron library use information.

**Scope:** Protection of confidentiality extends to:

- Patron Data – all personal/contact information provided at the point of signing-up or renewing a library card
- Reference Services – information sought or received
- Circulation Records – materials consulted, requested, borrowed, or received
- Online Access – computer use time, websites visited, or documents created/edited/printed
  - The Two Harbors Public Library is not responsible for the privacy practices of other sites, including providers of online database services and eBook/eMedia services for which the Library subscribes.
  - Patrons should also consult the Library's Internet Acceptable Use Policy and Wireless Internet Policy. Users may not use the Internet for any illegal activity, including the transmission, dissemination, and/or duplication of information as regulated under various state and federal laws. The Library expects all patrons to comply with such laws.

**Collecting and Retaining Patron Data:** The library only collects and retains patron data which is necessary for the provision and management of library services and that which is required by law.

- Patron accounts only track patron contact information, materials currently checked-out, and fines/fees. All materials turned in on time are immediately removed from the patron's account. Fine/fee history remains on the account for the duration of time as determined by the Arrowhead Library System.
- When physical documents are no longer required, those containing private data are shredded.
- Library computers are configured to keep the amount of cached data and browsing history stored by Web browsers to a minimum; security software is installed on all library computers; and the Library uses special software that is designed to delete all data from the previous computer session upon reboot. However, data can remain on the hard drive and confidentiality of this data cannot be assured.
- The Library tracks wireless internet use in regards to the number of times this service is accessed/used, but does not track anything further. The Library is not responsible for the privacy practices of the Internet Provider or the websites patrons choose to access.

**Conditions for Release of Information:** Registration information, circulation, and information retrieval records may not be disclosed except to:

- Information strictly relating to the cardholder (with library card or other proper ID).
- The parent/guardian of a patron under the age of 18 as long as the child's library card or the child himself/herself is present and there are no special circumstances listed on the account.
- Actively employed staff of the Two Harbors Public Library acting within the scope of their duties while employed at the Library. Former staff and all volunteers are not permitted access to this information for any reason.
- Representatives of any local, state, or federal government, pursuant to subpoena or search warrant authorized under the authority of federal, state, or local law relating to civil, criminal, or investigative power. Upon receipt of any such subpoena or search warrant, the Library Director will consult with the City of Two Harbor's legal counsel to determine if the subpoena or search warrant is in proper form and if there is a valid basis for its issuance before providing confidential information.

**Fines/Fees:** Information regarding a patron's accumulated fines/fees can be shared with another person when that person expresses a willingness/desire to pay those fines. However, the specific information about which materials were checked-out to raise the fines is still considered confidential, so an amount can be given and a generic receipt created, but no further information may be shared.

**Right of Parents/Guardians to Access Information About Children:** Please note that the parent or guardian of a user who is under 18 years of age may be able to access information about materials currently checked out by his/her child and may be able to access information about his/her child's overdue materials and fines/fees. The library does require the parent/guardian to have the child's library card or for the child to be present at the time of the request. Under special circumstances, the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

**Breach of Confidentiality:** Any employee or volunteer who discloses information in violation of this policy commits an offense and is subject to disciplinary action and may be subject to criminal prosecution.

| *Adopted September 2015; Revised December 2022*

# Appendix A - Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. 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.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

# Appendix B - Policy on Confidentiality of Library Records

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential. (See also [ALA Code of Ethics](#), Article III, "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" and [Privacy: An Interpretation of the Library Bill of Rights](#).)
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance of enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.<sup>1</sup>

<sup>1</sup>Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

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Adopted January 20, 1971, by the ALA Council; amended July 4, 1975; July 2, 1986.

# Appendix C – 2014 Minnesota Statutes

## 13.40 LIBRARY AND HISTORICAL DATA.

### Subdivision 1. Records subject to this chapter.

(a) For purposes of this section, "historical records repository" means an archives or manuscript repository operated by a government entity whose purpose is to collect and maintain data to further the history of a geographic or subject area. The term does not include the state archives as defined in section [138.17, subdivision 1](#), clause (5).

(b) Data collected, maintained, used, or disseminated by a library or historical records repository operated by a government entity shall be administered in accordance with the provisions of this chapter.

### Subd. 2. Private data; library borrowers.

(a) Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order:

(1) data that link a library patron's name with materials requested or borrowed by the patron or that link a patron's name with a specific subject about which the patron has requested information or materials; or

(2) data in applications for borrower cards, other than the name of the borrower.

(b) A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

### Subd. 3. Nongovernmental data.

Data held in the custody of a historical records repository that were not originally created, received, maintained, or disseminated by a government entity are not government data. These data are accessible to the public unless:

(1) the data are contributed by private persons under an agreement that restricts access, to the extent of any lawful limitation; or

(2) access would significantly endanger the physical or organizational integrity of the data.

**History:**

[1980 c 603 s 21](#); [1981 c 311 s 39](#); [1982 c 545 s 6,24](#); [1991 c 319 s 3](#); [1992 c 499 art 10 s 1](#); [1996 c 440 art 1 s 7](#); [2007 c 129 s 20,21](#)

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