



Privacy & Confidentiality Policy

Approved by Trustees September 5 2018

The Nevins Memorial Library is committed to patron privacy and confidentiality. The Library has adopted the American Library Association (ALA) Bill of Rights and its Interpretations, including the Interpretation on Privacy and subscribes to the Statement on Professional Ethics. The Nevins Library also operates in cooperation with the Merrimack Valley Library Consortium, and subscribes to its Privacy Policy. All of these documents are attached to this Policy.

Library Records

Under MA General Laws Chapter 78, Section 7 “That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record...”

Confidentiality extends to information sought or received, materials consulted and borrowed, and includes database searches, reference interviews, circulation records, interlibrary loan transactions, registration records, and all other personally identifiable uses of library materials or services.

The Nevins Library does not sell, lease or otherwise distribute or disclose patron name, email address, phone numbers or other personal information to outside parties. If you furnish your email address, the Library may use it for notifications, occasional informational emails, library promotions and other related communications.

Information about a library user and their record may not be disclosed EXCEPT in the following cases:

- 1) At the request of the Cardholder (with card or identification.) This is regardless of age or relationship with the following exceptions:
 - (a) The Library will transact business with a person holding a library card of another person, except in the event that the card has been reported stolen to the Library or if the Library has been otherwise notified by the cardholder that the card may not be used by another.
 - (b) Parents and Guardians of Dependent Child Cardholders under age 12 who have overdue fines of \$10 or more, or who have one billed item on their patron records may, upon supplying proper identification, be provided with information about titles that are checked out on the child’s library card. If Library Staff are unable to confirm the identity of the parent or guardian, no confidential information will be given. Please note that in order to ensure the



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privacy of children age 12 and over, the Library will enforce Section (a), above. For additional clarification see “Minor Child Cardholders,” below.

- 2) Staff of the Nevins Library and other libraries and staff members of the Merrimack Valley Library Consortium within the scope of their duties in administering the library system and facilitating the patron’s use of the library.
- 3) Information will be released as minimally necessary to validate a patron using third – party services contracted by the Library or by MVLC.
- 4) In the event that items become seriously overdue and the Library must seek outside assistance in the recovery of Library property, patron information will be shared with the outside vendor selected by the library for that purpose.
- 5) When representatives of the government (local, state, federal), pursuant to a subpoena or search warrant authorized by local, state or federal courts, and relating to civil, criminal or investigative powers, request a patron’s record the Library Director will consult with Legal Counsel. If Counsel finds the warrant or subpoena is in proper form and has a valid basis, the Library Director will ensure compliance with the request. Trustees will be notified of any such request, unless the request is issued by a FISA (Foreign Intelligence Surveillance Act) Court under the USA Patriot Act Section XX. It should be noted that in some circumstances, under federal law, library workers can be prohibited from informing individuals or any other entities when or if federal authorities have obtained records related to them.
- 6) In the event of a rare exigent circumstance during the commission of a crime, library videotapes may be used by law enforcement, but may not be made public without permission of the Library Trustees.

Minor Child Cardholders

The law relating to patron privacy does not have age restrictions attached. Therefore under Massachusetts law the borrowing records of a minor for their own library card are private and should not normally be released to anyone without a subpoena or warrant, including parents or guardians. However, the Nevins Library recognizes that some instances may arise when it is necessary for a parent or legal guardian to be provided with information about a child’s library record (i.e. when a child’s library materials are overdue or have been misplaced.) In this case there are procedures that will enable parents or guardians, who are financially responsible for the child’s library materials, to obtain information about the records of a minor child under age 12. Upon statement of the above reasons the parent or guardian will receive the information by providing identification of the relationship to the child. It is strongly advised that parents work



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with their children who have library cards to use the “My Account” feature of the catalog using the PIN (Personal Identification Number) for their library account so that the child can access their borrowing record on a home or library computer. For information regarding PIN numbers, you may contact the Library’s Main Desk.

Website Use

When a patron uses the Nevins Library website, the Library only collects information to count the number of visitors to the site. The information may include

- (a) The IP address of the patron’s computer or Internet provider
- (b) The date & time of the web visit
- (c) The pages within the Library’s site that were accessed

Website data is not linked to the patron’s library account data. The Library cannot look up patron records to determine what websites or pages were visited.

Privacy and Computers in the Library

The Library uses an automated sign-in system for patrons using public computers at the Nevins Library. Patrons may sign in using their library card or a guest pass. The Library makes no effort to link patron library card numbers with web sites being accessed on the public computers; however patron data is recorded (but not tracked) for individual sessions. At the end of every session, patron data is cleared. Guest pass distribution is random, and a patron’s guest pass information is not recorded or tracked in any way.

The Nevins Library offers a wireless network that allows patrons using their own devices to connect to the Internet at the Library. Please note that data accessed and sent over the Library’s wifi is not encrypted and is not secure.

While the Library makes every effort to keep patron’s computer use private, patrons are cautioned to remember that they are using a computer in a public place, and appropriate and courteous behavior is expected, and the Library cannot guarantee complete privacy.

Use of the Library’s website, computers, or wifi to gain access to third party vendors, online services, or other websites is undertaken at the patron’s risk, and the Library is not responsible for privacy or confidentiality on any outside internet resource.



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Merrimack Valley Privacy Policy

The Merrimack Valley Library Consortium is committed to protecting the privacy of patrons' personal information as well as information regarding individual use of member libraries or their services.

In accordance with Massachusetts General Laws Chapter 78 Section 7: "That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record ... " MVLC considers circulation and registration records identifying the names, addresses, and telephone numbers of library patrons, as well as the materials borrowed or accessed electronically, not to be part of the public record. The USA PATRIOT Act of 2001 (P.L. 107- 56) supercedes state law and expands the federal government's authority for access to library records and documents to protect against international terrorism and clandestine intelligence activities. It also expands the authority of federal law enforcement agencies to track telephone and electronic communication, including any dialing, routing, addressing, or signaling information and the actual content of the communication.

The information collected by MVLC is limited to what is believed be to be necessary or useful to conduct library business. Personal information such as name, address, phone number and email address are gathered for the purpose of identification and accountability for use of Library materials. MVLC doesn't provide e-mail address to any third parties, except as necessary for provision of library services. Records of library use (i.e. amount of or titles of materials checked out and returned, items reserved, or services used) are maintained only for the purpose of statistics, unless otherwise authorized by the individual library user.

The intellectual pursuits of individuals using library or Internet resources are considered confidential information regardless of the age of the borrower. Such records shall not be made available to any individual or agency except pursuant to such process, order, subpoena or warrant 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.

MVLC keeps no permanent record of Internet sites visited by library patrons, the electronic databases accessed, or the searches performed by individual patrons. Library patrons should be aware that MVLC and other Massachusetts library organizations license commercial databases from a variety of vendors. MVLC will make every effort to restrict electronic database vendors from collecting and using identifying personal information of its library users, however it provides no guarantee that personal information will not be shared with third parties.

MVLC counts the number of viewers of different web pages within the sites it hosts, using standard web server log files. This information is collected in order to improve the content offered on those sites and may be used to compile statistical reports. These logs do not include names, phone numbers, addresses, email addresses or other identifying personal information.



Email messages sent to MVLC or a member library may be stored or forwarded to others within MVLC or to member library staff in order to respond to a request for information.

MVLC has appropriate security measures in place in our physical facilities to protect against the loss, misuse or alteration of information that MVLC has collected from you at our site. MVLC takes many measures to safeguard user information, but cannot and does not guarantee that every task completed via its network is private.

MVLC does not partner with or have special relationships with any ad server companies.

MVLC cannot and does not guarantee that every task completed on PCs connected to its network is private.

Individual MVLC libraries may have local Privacy Policies that may apply in addition to this consortium Policy.

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American Library Association Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.



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ALA Code of Ethics

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.

1. 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.
2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
3. 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.
4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
5. 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.
6. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
7. 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.
8. 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.



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9. We affirm the inherent dignity and rights of every person. We work to recognize and dismantle systemic and individual biases; to confront inequity and oppression; to enhance diversity and inclusion; and to advance racial and social justice in our libraries, communities, profession, and associations through awareness, advocacy, education, collaboration, services, and allocation of resources and spaces.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; January 22, 2008; and June 29, 2021.



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ALA Interpretation on Privacy

All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.¹ When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

Privacy is essential to the exercise of free speech, free thought, and free association. Federal and state courts have established a First Amendment right to receive information in a publicly funded library.² Further, the courts have upheld the right to privacy based on the U.S. Constitution. Many states provide guarantees of privacy in their constitutions and statute law.³ Numerous decisions in U.S. case law have defined and extended rights to privacy to all.⁴

The right to privacy includes the right to open inquiry without having the subject of one's interest examined or scrutinized by others, in person or online. Confidentiality exists when a library is in possession of personally identifiable information about its users and keeps that information private on their behalf.⁵ Article III of the Code of Ethics of the American Library Association states that confidentiality extends to "information sought or received and resources consulted, borrowed, acquired or transmitted," including, but not limited to, reference questions and interviews, circulation records, digital transactions and queries, as well as records regarding the use of library resources, services, programs, or facilities.

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The American Library Association has affirmed a right to privacy since 1939.⁶ Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry. Rights to privacy and confidentiality are explicit in Article VII of the Library Bill of Rights and implicit in its guarantee of free access to library resources for all users.

Rights of Library Users

Lack of privacy and confidentiality has a chilling effect on users' selection, access to, and use of library resources. All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use. ALA and its members recognize that children and youth have the same rights to privacy as adults. Library users expect, and in many places have, a legal right to have their personally identifiable information and library-use data protected and kept private and confidential by anyone with access to that information. Libraries should never enact policies or practices that abridge users' right to privacy regardless of their age, ability, housing status, immigration status, involvement with the criminal justice system, religious affiliation, ethnicity, sexual orientation, gender identity, or other forms of identity or status unless explicitly required by law. Even then, libraries should consult with legal counsel before abridging any user's right to privacy.



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Libraries have a responsibility to inform users about policies and practices governing the collection, security, and retention of personally identifiable information and library use data. Additionally, users should have the choice to opt-in to any data collection that is not essential to library operations and the opportunity to opt-out again at any future time. All nonessential data collection should be turned off by default. In all areas of librarianship, best practice leaves users in control of as many choices as possible regarding their privacy. This includes decisions about the selection of, access to, and use of information. Information about options available to users should be prominently displayed, accessible, and understandable for a general audience.

Responsibilities in Libraries

The library profession has a long-standing ethic of facilitating, not monitoring, access to information. Libraries implement this commitment through the adoption of and adherence to library privacy policies that are consistent with applicable federal, state, local, and where appropriate, international law. It is essential that libraries maintain an updated, publicly available privacy policy that states what data is being collected, with whom it is shared, and how long it is kept. Everyone who provides governance, administration, or service in libraries, including volunteers, has a responsibility to maintain an environment respectful and protective of the privacy of all users. It is the library's responsibility to provide ongoing privacy education and training to library workers, governing bodies, and users in order to fulfill this responsibility.

The National Information Standards Organization (NISO) Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems recognizes that

[t]he effective management and delivery of library services may require the library user to opt into the provision of personal data in order to access a library resource or receive library services. Users' personal data should only be used for purposes disclosed to them and to which they consent.⁷

Libraries should not monitor, track, or profile an individual's library use beyond operational needs. Data collected for analytical use should be limited to anonymous or aggregated data and not tied to individuals' personal data. Emerging biometric technologies, such as facial recognition, are inconsistent with the mission of facilitating access to library resources free from any unreasonable intrusion or surveillance.

Regardless of the technology used, everyone who collects or accesses personally identifiable information in any format has a legal and ethical obligation to protect confidentiality. Library security practices to safeguard personal information should be up to date and in compliance with state and national standards. Adherence to NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems requires that these practices include:



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encryption of personal data while they are at-rest and in-motion; prompt updates of systems and software to address vulnerabilities; systems, procedures, and policies for access control of sensitive data; a procedure for security training for those with access to data; and documented procedures for breach reporting, incident response, and system, software, and network security configuration and auditing.⁸

Libraries should follow purpose-limitation, storage-limitation, and data-minimization principles⁹ when making decisions about collecting and retaining library-use data. In particular, libraries should collect and store only personally identifiable data required for specific purposes that are disclosed to the users.

Libraries should periodically review their data-collection and retention policies to identify situations in which the reason for collecting user data may no longer apply. Libraries may need to comply with state, institutional, or other governmental record-retention policy in addition to developing their own data-management policies. In addition, libraries should regularly review and update procedures for collecting and maintaining user data to ensure compliance with current industry privacy and security standards.

Libraries should never share users' personally identifiable information with third parties or vendors that provide resources and library services, unless the library obtains explicit permission from the user or if required by law or existing contract. Libraries or their governing institutions should negotiate agreements with vendors that retain library ownership of user data and permit independent auditing of vendor data collection, retention, and access policies and practices. Such agreements should stipulate that user data is confidential and that it may not be used or shared except with the permission of the library. Any vendor that handles user information as part of a library's service should have a publicly available privacy policy that commits to compliance with the NISO Consensus Principles. As existing contracts approach expiration, libraries should renegotiate future contracts to include these privacy safeguards.

Law enforcement agencies and officers may request library records and data that they believe contain information that would be helpful to the investigation of criminal activity. Libraries should have a procedure in place for handling law-enforcement requests. Libraries should make such records available only in response to properly executed court orders or legal process. These court orders are issued following a showing of good cause based on specific facts by a court of competent jurisdiction.

The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethical practice of librarianship. The rapid pace of information collection and changes in technology means that users' personally identifiable information and library-use data are at increased risk of exposure. The use of new technologies in libraries that rely on the collection, use, sharing, monitoring and/or tracking of user data may



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come into direct conflict with the Library Bill of Rights and librarians' ethical responsibilities. Libraries should consider privacy in the design and delivery of all programs and services, paying careful attention to their own policies and procedures and that of any vendors with whom they work. Privacy is the foundation upon which our libraries were built and the reason libraries are such a trusted part of every community.

1 Article VII, Library Bill of Rights

2 Court opinions establishing a right to receive information in a public library include Board of Education v. Pico, 457 U.S. 853 (1982); Kreimer v. Bureau of Police for the Town of Morristown, 958 F.2d 1242 (3d Cir. 1992); and Reno v. American Civil Liberties Union, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997).

3 Ten state constitutions guarantee a right of privacy or bar unreasonable intrusions into citizens' privacy. Forty-eight states protect the confidentiality of library users' records by law, and the attorneys general in the remaining two states have issued opinions recognizing the privacy of users' library records. See: State Privacy Laws Regarding Library Records.

4 Cases recognizing a right to privacy include: NAACP v. Alabama, 357 U.S. 449 (1958); Griswold v. Connecticut, 381 U.S. 479 (1965); Lamont v. Postmaster General, 381 U.S. 301 (1965); Katz v. United States, 389 U.S. 347 (1967); and Stanley v. Georgia, 394 U.S. 557 (1969).

5 The phrase "personally identifiable information" was adopted by the ALA in 1991. See: "ALA Policy Concerning Confidentiality of Personally Identifiable Information about Library Users."

6 Article XI of the Code of Ethics for Librarians (1939) asserted that "it is the librarian's obligation to treat as confidential any private information obtained through contact with library patrons." Article III of the current Code of Ethics of the American Library Association (2008) states: "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."

7 National Information Standards Organization, "NISO Consensus Principles on User's Digital Privacy in Library, Publisher, and Software-Provider Systems (NISO Privacy Principles), Principle 4, Data Collection and Use" (Baltimore: National Information Standards Organization, December 10, 2015).

8 NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems (NISO Privacy Principles) (2015)

9 These principles, drawn from the European Union "General Data Protection Regulation (GDPR)" (2016) and reflected in other fair privacy practice principles such as the "NISO Privacy Principles" (Baltimore: National Information Standards Organization, 2015) and "Guidelines on the Protection of Privacy and Transborder Flows of Personal Data" (Paris:



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Organisation for Economic Co-operation and Development, 2013), provide sound guidelines for libraries to follow in their data-privacy practices. Libraries in the United States are generally not subject to the GDPR but should consult with legal counsel to determine whether GDPR applies.

Adopted June 19, 2002, by the ALA Council; amended July 1, 2014; and June 24, 2019.