



STANDARD OPERATING PROCEDURES

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LEAD DEPARTMENT: Library
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Patron Privacy

PURPOSE

The purpose of this policy is for the protection of personal privacy. Protecting library user privacy and keeping confidential information that identifies individuals or associates individuals with their use of library books, materials, equipment, programs, facilities, and/or staff assistance is an integral principle of the Library. This policy affirms the Library's commitment to privacy, explains the information that the Library collects, and alerts visitors to Library facilities and users of remotely accessed Library services to the privacy choices they face.

SCOPE

This policy applies to all library patrons and all library materials.

POLICY

California State Law protects the confidentiality of all patron records.

The Los Gatos Library complies with all sections of the State of California Public Records Act (Protection of Library Circulation and Registration Records, Government Code Title 1, Division 7, Chapter 3.5 and California Government Code Section 6267). All registration and circulation records of library users shall remain confidential and shall not be disclosed to any person, local, state, or federal agency unless required by law or court order. Confidentiality extends to database search records, computer use records, and all other personally identifiable uses of Library materials, programs or services.

Patron records will only be released to the person whose name appears on the Library borrower's record. No information from any patron's record is to be released to any person, including law enforcement, unless required by a court order, and any inquiry about library use will be treated as an invasion of patron privacy. Staff may not access any information about any library use for any purpose except that related to the transaction of library business.

**Patron Privacy
Los Gatos Library
FAQ**

Did You Know Your Library Records Are Confidential?
(It doesn't matter if you are an adult *or* a child.)

1. What is privacy and why is privacy important?

Privacy is about people. The right to privacy is the right to open inquiry without having the subject of one's interests examined or scrutinized by others. With privacy, individuals maintain their autonomy and individuality. Privacy is essential to the exercise of free speech, free thought and free association.

2. What is confidentiality?

According to California State Law (Protection of Library Circulation and Registration Records, Government Code Title 1, Division 7, Chapter 3.5 and California Government Code Section 6267), a library is obliged to assure confidentiality of records relating to registration and circulation. Although we often refer to this as "patron privacy", the scope is limited to records kept by the library and not to larger issues of personal privacy. Registration records are the patron library card records. Circulation records are the lists of library materials checked out on a patron's library card.

Confidentiality is about data. Confidentiality relates to the possession of personally identifiable information, including such library-created records as circulation records, computer sign-up sheets, web sites visited, or reserve notices.

3. What are the laws around privacy?

There are no federal laws guaranteeing library patron privacy. Except for Kentucky and Hawaii all of the states have some form of privacy protection for library patrons. California has some of the nation's strongest protection for library patron records and privacy. California Government Code sections 6250 through 6270 ensure "the right of individuals to privacy . . ." This section is considered the "California Public Records Act." Sections 6254 (j) and 6267 (a), (b), and (c) refer specifically to registration and circulation records. Registration records are the patron library card records and circulation records are the items checked out on patron library cards.

4. What is the Library doing to protect my privacy?

The Los Gatos Library does not share patron records or information with outside organizations, including law enforcement agencies, except by order of the appropriate superior court or under the conditions of the USA Patriot Act.

6. How does the Library protect my privacy while I am using the Library computers?

The Library uses an online computer reservation program that allows the public to access the Library's catalog, the internet and other resources. The Library's public computer stations are programmed to delete the files, history of a library user's internet session, and all searches once an individual session is completed.

8. Why can't you tell me what books I've read?

In order to tell you what books you have read, the Library's computer system would have to keep a record of all the books you have ever checked out on your library record. What people read is a fundamental matter of privacy. In order to be able to access your reading history, you would need to go into your account online and select "your privacy" on the left-hand side. You then have the option to choose "forever" or "never." The forever option will store your reading history so that you can access it in the future from your online account. Staff cannot access this information for you, even if you choose the "forever" option. The "never" option deletes your reading history each and every time an item is returned.

9. Why can't I get a printout of my record without my library card or ID?

In accordance with California State Law (Government Code Section 6267) the Library does not disclose circulation or registration records to anyone other than the individual to whom the records pertain, except under the code's stated conditions. It is the responsibility of all library employees to keep your library record confidential and to protect your record from unauthorized access. To accomplish this we must verify your identity with your library card or a valid picture ID before any information (verbal or printed) can be given out.

10. Why can't you tell me what my child/teen has checked out?

It is an awkward position for the library customer and library staff to be in, but legally library staff can only tell a parent the number of books their child has checked out, not specific titles. The Library encourages parents to be active in selecting materials with their minor children.