

Carlsbad Public Library

Patron Privacy & Confidentiality Policy

Carlsbad Public Library adheres to the American Library Association policies regarding library users' right to privacy and freedom of inquiry, in keeping with the principles of intellectual freedom in our democratic society.

The right to read freely is dependent upon reader privacy, ensuring that library users can pursue any inquiry or read any material without fear of scrutiny or punishment. Both the ALA Library Bill of Rights and the ALA Code of Ethics affirm libraries' responsibility to assure reader privacy by keeping user records and personally identifiable information secure on their behalf.

Libraries have a legal and ethical responsibility to protect the confidentiality of all library users. The purpose of this policy is to describe the library's commitment to user privacy and confidentiality, and to provide standards for the collection, use, and security of user information.

A. Library User Privacy and Confidentiality

- 1. The Carlsbad Public Library protects each user's right to privacy and confidentiality with respect to information sought or received and library resources consulted, borrowed, acquired, or transmitted.**
- Confidentiality extends to information inquiries in any format, including but not limited to, database search records, reference interviews, patron registration information, circulation records, material reserve or interlibrary loan requests, computer logon records, digital material usage, or any other personally identifiable use of specific library materials, facilities, or services.
- All persons who provide governance, administration, or service in the Library have a responsibility to maintain an environment respectful and protective of the privacy of all users. Library staff shall utilize patron information only in the performance of their authorized duties.
- All user Personally Identifiable Information (PII) collected by the Library shall be limited to that which is needed for library operations. Data considered PII by the Library includes, but is not limited to, a user's name, birthdate, mailing address, email address, contact information, local reference contact, and photo. Library practices that place user PII on public view without the user's consent shall not be permitted.
- Circulation and other records identifying the names of library users with specific materials are confidential in nature and are maintained for the sole purpose of effectively managing library resources.
- All aggregate, summary usage data by library users collected and maintained for statistical or reporting purposes shall be stripped of user PII.

7. Information about a patron, or concerning inquiries made by a patron, shall not be divulged by library staff to any outside person or agency, except to parent/guardians in the case of a minor or legally incapacitated person, or as required to comply with federal, state, or local laws, or a legal court order.
8. All users have the right to view their personal information held by the Library and to dispute, delete, or update data. The Library will strive to ensure that all PII is accurate, relevant, timely, and complete to the extent needed for library functions.
9. The library will maintain and update a privacy policy protecting library user and library staff personally identifiable information, communicating to library users and staff what procedures govern the amount and retention of PII, why the information is necessary for the library, how it is used, and explaining the circumstances under which this information could be disclosed.
10. Users will note that the library is a public venue, where visits to the library or materials consulted may be visible, and consequently become known, to other visitors. Users who visibly consult or audibly request the use of specific library titles, subject materials, database topics, newspaper articles, websites, or other information or services may not reasonably expect to retain their personal privacy with regard to that information or service.

B. New Mexico Library Privacy Act

1. The State Statutes of New Mexico guarantee the privacy of library user records and personal information. NMSA 1978 Chapter 18, Article 9 addresses the need to preserve the intellectual freedoms guaranteed by Sections 4 and 17 of Article 2 of the Constitution of New Mexico by providing privacy for users of the public libraries of the state with respect to materials that they wish to use or consult.
2. Patron records shall not be disclosed or released to any person not a member of the library staff in the performance of his duties, except upon written consent of the patron or upon court order issued to the library.
3. This law exempts overdue notices from the Privacy Act and permits the release of information concerning the records of unemancipated minors or legally incapacitated persons to their legal guardians.

C. Interlibrary Loans

Should the Library not have specific material(s) requested by a patron on hand in its collection, Interlibrary Loan requests may be initiated to obtain the material(s) from another library. Requests for materials from other libraries will be treated with the same standards of privacy and confidentiality as usage of Carlsbad Public Library materials, though certain data concerning the material requested must be shared with the lending library staff.

D. Privacy Guidelines for Electronic Resource Vendors

1. Carlsbad Public Library subscribes to many electronic resources to meet the informational needs of its users. These services are available to the general public inside the library and by remote access to library cardholders.
2. The Library will strive to ensure that all contracted information vendors and website hosts respect the privacy of the users of its products by:
 - a. Not disclosing information about any individual user of its products, including information about specific searches performed, materials accessed, or materials downloaded/checked out by a user, except as required by law or court order.
 - b. Employing data encryption software if possible.
 - c. Maintaining a high level of security over its site to prevent unauthorized access by outside parties or malicious software.
 - d. Track user product usage solely for statistical and reporting purposes.

E. Disclosure of Library User Records

1. The circulation and registration records of the Carlsbad Public Library shall not be made available to any third party nor to any law enforcement agency or officer except when a court order in proper form, issued by a court of competent jurisdiction after a showing of good cause, is presented to the Library by the agency or person seeking the records.
2. However, in the case of missing, stolen, or long overdue library materials, the library reserves the right to disclose any information necessary in order to reclaim such items. To this end, and at the Library Director's discretion, material circulation and patron information may be released to third parties, including but not limited to, Library board members, law enforcement officers, the City Attorney's office, or Municipal court officials.
3. Under the Freedom of Information Act, certain data may be released in response to a request for information submitted to the Carlsbad City Clerk. According to New Mexico statute (NMSA 1978 Chapter 18, Article 9, Section 5), the information contained in any type of overdue notice is exempt from the Library Privacy Act. Therefore, the names, addresses, and amount of fines owed to the library may be disclosed in response to an inquiry. Since this information is considered a matter of public record, it may be published in a newspaper or online, or both. However, the title(s) of material(s) on which fines are owed will not be released, nor will the names and addresses of minor children.

F. Security, Retention, and Disposal of Library User Records

1. Library records containing personally identifiable information regarding library users, both written and electronic, will be kept secure by both managerial means

- and technological measures against such risks as unauthorized use or access, destruction or loss, unauthorized modification, and inappropriate disclosure.
2. User registration information will be retained by the Library for as long as the patron card remains active. This information will be update annually or as requested by the patron.
 3. User checkout history will be retained for twelve (12) months, unless materials have been checked out and not returned. User records will be deemed inactive after twelve (12) months without material checkout or remote access. Library records and usage history for inactive or deceased patrons will be purged annually by secure electronic or physical means.
 4. Library communications to patrons will be treated as confidential, but the Library cannot guarantee the security of such information once mailed or transmitted.

G. Library Technology and Material Security (RFID)

1. Library technological devices such as public access computers, word processors, online catalog units, printers, barcode scanners, wireless Internet modems and controllers, and any additional technology which is used in the performance of library operations, will be configured or possess installed software to preserve users' privacy rights and prevent any unauthorized use of personally identifiable information.
2. The Library may utilize a material security system and self-checkout stations that employs Radio Frequency Identification (RFID) tags on library materials. RFID technology collects, monitors, stores, and broadcasts library material data enabling efficient library inventory, security, and circulation operations. It is possible that someone possessing an RFID tag reader/scanner of a type similar to those employed by the Library might obtain information linking a specific patron to specific library material(s), thus compromising user privacy. In order to diminish this possibility, any RFID material control system purchased by the Library will be obtained from a reputable vendor, will not retain any user circulation data, and will incorporate all user confidentiality safeguards as are technologically available.

H. Security Cameras

1. In order to properly steward the publicly-owned collection of library materials, equipment, displays, artwork, and facilities, as well as the personal property of library users and their physical safety, the library may employ security cameras throughout the library building, entrances, and exterior premises.
2. Recordings made of library premises may show identifiable visitors to the library, their general use made of library resources, and the times and dates of their visit. Such recordings may be kept on file for a maximum of six (6)

months, or as governed by the technological limits of the recording equipment.

3. Library security camera recordings may be disclosed to law enforcement officers investigating a crime, to insurance representatives or attorneys investigating a personal injury or accident, or to courts conducting relevant legal actions. Library staff may also be subpoenaed to testify in legal proceedings.

I. Privacy Audit

1. In order to assure that patron records and library usage remain secure in the face of advancing technology and new library services, a privacy audit will be conducted by the Library every three (3) years. This audit will ensure that library information processing procedures meet current privacy standards by examining how information about library users and employees is collected, stored, shared, used, and eliminated.
2. The privacy audit will detail:
 - a. what user/staff information is collected
 - b. why the information is collected and how it is used
 - c. who collects the information and who has access to it
 - d. where the information is kept and how it is secured
 - e. how long the information is retained and disposal procedures
3. The results of the privacy audit will be available for view by the public.

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