

Library Patron Privacy in the September 12th Era

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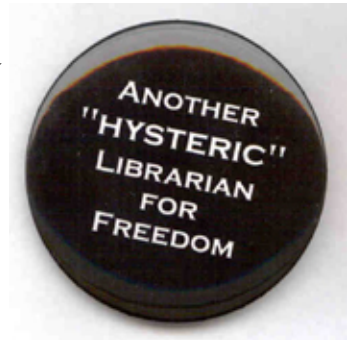
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Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

New York Consolidated Laws Civil Practice Law and Rules Article 45

The tradition of privacy for library patrons has been receiving renewed attention. It is well established that what a person reads, the library services and inquiries she makes should not be subject to undo scrutiny. This principle, included in the [ALA Code of Ethics](#) for the library profession, in the [Library Bill of Rights](#) has been constitutionally established by eleven states and is found in the [code of laws](#) for virtually every state in the union. Including, of course, New York (see above). In addition, these principles have been confirmed via state and federal [case law](#).



The new era of questioning traditions of library patron privacy began September 12, 2001. The argument is that every route towards revealing threats from terrorism must be pursued. These pursuits are embodied in [expanded subpoena powers](#) in the Uniting & Strengthening of America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act and other "homeland security" efforts.

But we are now learning more about pre-September 11th events. References to our inability to "connect the dots", to [9-11 criminals gaining entry to the US contrary to already established rules and procedures](#) makes one wonder whether additional information was what was needed to pre-empt the attack.

It is within this context that librarians find themselves needing to simultaneously [defend patron privacy](#) and re-examine this tradition within the constraints of a new era. Citizens need to be protected from the dangers of terrorism, but is revoking that citizen's right to privacy the effective way to provide that protection?

SUNYergy Vol. 6 No. 2 focuses on this issue. A major area of attention revolves around library management systems and the fact that the SUNYConnect LMS retains links between the individual and what she borrows from the library. [Library associations](#), state and local municipalities have, in large numbers, indicated that just as they do not have a role in loco parentis, they also do not see themselves as an arm of the police force

serving as surrogate investigators. We discuss how *SUNYConnect* has joined those [other entities](#) in supporting a library patron's right to privacy. Michael Matis (Albany) provides a useful reminder that LMS transactions are not the only source of library information that requires a "privacy audit".

Ultimately, these risks to patron privacy are not the main security issues. *SUNYConnect* librarians know that working together towards affordable, accessible and multi-cultural education of all of our citizens is the true path towards homeland security.



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