Patron Privacy Issues

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Why is student privacy important? Student privacy and confidentiality pose a variety of legal and ethical concerns for school library media centers. Students visiting the school library have the right of free inquiry, to expect to make use of the library’s resources without the concern of someone looking over their shoulder or having access to information they seek (Barack, 2017). Imagine a student is exploring questions about sexuality or religion through resources in the school library or a student enjoys reading about weapons and warfare or murder mysteries in their leisure time. What perceptions or conclusions might someone draw about the students if they knew the students selected these reading topics? How might the students feel if they knew someone was aware of their reading materials? How would you respond to your principal’s request for a student’s circulation records and a list of websites visited because she surmised that the student was acting “funny” during lunch? I believe scenarios like these underscore the need to protect student privacy by maintaining confidentiality, especially in today’s technological environment where student records are readily available and accessible to others.

Confidentiality is the responsibility of the school library media specialist regarding any student records which may reveal potentially sensitive information. Personal information can be found on student overdue notices, checkout lists, online reading programs and devices, website visits and history, and even learning management systems. In our school library, books are marked with colored labels and grade numbers indicating reading levels, enabling other students to become well acquainted with their peers’ reading levels, which can be a source of ridicule and embarrassment for some. It is not uncommon for media specialists to place student overdue notices in the teacher mailboxes with all information visible. An article I read shared how some media specialists protect student confidentiality by folding notices, or placing them in an
envelope with the student’s name, even emailing them to older students to maintain confidentiality (Adams, 2011). For me, this illustrates that understanding privacy and confidentiality and putting it into practice is paramount to the role of the school library media specialist.

How do laws protect student privacy? I think a good first step for media specialists is knowing their own state’s laws. Forty-eight states and the District of Columbia have laws protecting the privacy of library patrons; this includes Georgia (American Library Association, 2007). In addition, every state except Florida, Maine, Connecticut, and Massachusetts have protections in place to guard the confidentiality of minors’ library records. Georgia is one of fifteen states which allows the parents of a minor access to their child’s circulation records. In Georgia, the law surrounding the confidential nature of library records addresses three specific instances when and to whom confidential library records may be disclosed:

(1) To members of the library staff in the ordinary course of business; (2) Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or (3) Upon appropriate court order or subpoena.

(American Library Association, 2007)

Additionally, school library media specialists should become familiar with federal education laws, including the 1974 Family Educational Rights and Privacy Act (FERPA). Library circulation records have been designated by the Family Policy Compliance Office as meeting the definition of student education records under FERPA, which provides protection from disclosure without proper consent (Adams, 2011). I believe most people think educational records consist of report cards and test scores without consideration given to library circulation records and computer access logs when requests are made.
One of the foundational beliefs in the school library is patron’s expectation of free inquiry without concern of scrutiny from others. Additionally, the First Amendment protects citizens’ right to privacy without the surveillance of others unless a reasonable suspicion or cause exists. Then, September 11th happened and within weeks the 2001 PATRIOT Act passed, giving the U.S. government unlimited access to personal records, including library materials and computer access records. Consequently, the American Library Association (ALA) formally opposed the Act, specifically Section 215, which allowed the bulk collection of phone and library records without specific investigative cause and prevented librarians from legally contacting anyone about the disclosure of records (ALA, 2002). On June 1, 2015, the PATRIOT Act was allowed to sunset and on June 2, 2015, the USA Freedom Act was passed with significant changes, allowing only for the collection of records deemed appropriate by a specific, ongoing investigation as well as judicial oversight regarding any gag orders issued to librarians surrounding the requests of such records; ALA supported the new Act (ALA, 2015). During my research on this issue, I found that privacy laws are subject to change and it is crucial for the school library media specialist to stay up-to-date of changes. With the most recent, horrific school shooting in Florida, it is highly plausible for law enforcement to seek school library records for students; thus, important for school librarians understand state and federal laws.

How do school library media specialists safeguard confidential student data? A main tenet discovered during my research is that protecting the privacy of patrons is a fundamental ethics issue for librarians today. School library media specialists should familiarize themselves with the Library Bill of Rights and the ALA Code of Ethics. Article III of the Code of Ethics of the American Library Association 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” (ALA, 1995). This can be challenging when teachers or administrators request specific information about students reading choices or computer use. However, there are a few things library media specialists can do to establish essential boundaries to protect student privacy. Simply by limiting the amount of personal information collected on students as well as limiting retention periods for student circulation reports will decrease access by others. Past due notices should be distributed in such a way as to keep the patron’s materials private; deleting browsing history or downloaded books is also a proactive measure a media specialist can take.

In addition, I believe that establishing and communicating a privacy policy with specific guidelines for protecting student records will help to appropriately address most requests for personal student data (Adams, 2011). Georgia Libraries (n.d.) recommends the library privacy policy be posted publicly for patrons to view. Ultimately, developing a comprehensive understanding of the Code of Ethics of the American Library Association (ALA, 1995) and the Library Bill of Rights (ALA, 1996) will help the school media specialist set appropriate guidelines and effectively communicate those boundaries to all stakeholders.
References


