Privacy 101: Privacy and Confidentiality for Library Student Assistants

Topics Covered

- Privacy and Confidentiality Practices for Library Work
- USA Patriot Act: Guidelines for Library Student Assistants
- Identity Theft Prevention Program
- FERPA
- Frequently Asked Questions (scripted answers to questions you may receive)
- Where to Direct Questions

- Privacy and Confidentiality Practices for Library Work

Definitions

“The right to privacy in a library is the right to engage in open inquiry without having the subject of one’s interest examined or scrutinized by others.” (Intellectual Freedom Manual, 7th edition, ALA)

“Confidentiality exists when a library is in possession of personally identifiable information about library users and keeps that information private on their behalf.” (Intellectual Freedom Manual, 7th edition, ALA)

Library Policy

It is the Libraries’ intent to protect the privacy of each individual’s intellectual investigations. Confidentiality of users’ interactions with the Libraries – information concerning use of the Libraries’ services and resources – will not be released except upon receipt of a lawfully issues subpoena, search warrant, or other judicial order.

The University of Kansas Libraries follow the guidelines for the protection of patron privacy outlined in the policies and procedures of the University of Kansas Privacy Office. (http://www.privacy.ku.edu/)

The KU Libraries’ policy is available from Privacy and Confidentiality. (http://www.lib.ku.edu/AccServices/Access/Policy/PrivacyConfidentiality.shtml)
Practical Considerations

Privacy – “The needs of library patrons are to be treated with respect and confidentiality [privacy]. Patrons and their requests should not be discussed outside of a professional context.” (“The Reference Interview,” University of Kansas Libraries)

Confidentiality – Circulation records and any other records identifying the names of library users as well as records of “… resources consulted, borrowed, acquired or transmitted” are confidential (ALA Code of Ethics, Article III).

Library Staff Behaviors

1. Treat library users with respect, do not comment or offer personal opinions about questions, research topics, or what is being checked out, and do not discuss their requests outside of a professional, service-oriented context.

2. Never report to another person who has an item checked out. You may report when the item is due and explain Recall policies and procedures if applicable to the item in question.

3. Always have the KU Card, KU Libraries Proxy Borrower Card accompanied by a photo ID, or the KU Library Borrower Card in hand before checking out items, before retrieving items from the Hold Shelf, and before giving out any personal information. Make certain the photo matches the person in front of you, and make certain that the record pulled up in Voyager matches the name on the card.

4. Clear the Voyager screen when you have finished your transactions with the current borrower. This removes confidential information from viewing AND reduces the changes of checking out materials to the wrong person.

5. Remove all flags (hold, call slip, etc.) containing patron names and/or patron barcodes from library materials and place the flags in the “to be shredded” boxes. Do NOT use these forms as scratch paper, and do not place them in the Recycle boxes. Shred the contents on a regular basis or place the contents of the “to be shredded” box in one of the Libraries locked shredder service bins.

6. If the borrower asks to keep the Hold Shelf flag, for example, or if you have printed receipts for the borrower, please remind the person that the paper contains personal confidential information and that s/he should not the paper laying around.
7. If you are reporting or discussing personal information with a patron, do so quietly and in direct conversation with the patron. Do not shout across the room or service desk.

8. If personal information has been requested over the phone, be certain to gather enough information that you can be reasonably confident you are talking with the person for whom the information has been requested. Ask for the name to be spelled, the 8-digit barcode, and at least one additional crosscheck such as the 7-digit PeopleSoft student ID number (appears as the Institution ID in Voyager records and on the front of the newer KU Cards), or the mail or email address.

9. Please refer all inquiries from parents asking for information about their children’s library transactions to the full-time supervisor.

❖ USA Patriot Act: Guidelines for Library Student Assistants

(Provided by George Gibbs, 2005)

The USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act) was passed in 2011 after the 9/11 attacks. The Patriot Act gives the U.S. Government stronger powers to investigate cases involving foreign intelligence and international terrorism.

How to handle inquiries: DAYS

• If a federal agent approaches you during normal working hours when full-time library staff is present, refer the agent immediately to your supervisor or department head.

How to handle inquiries: EVENINGS AND WEEKENDS

• If a federal agent approaches you during the evening or weekends hours when full-time or supervisory staff is not present, ask the agent for identification.

• Then call the Computer Center Command Center at 864-0110 and explain the situation. The Command Center staff will ensure that appropriate personnel are contacted to assist you.
Search Warrants and Subpoenas

- The new law requires a search warrant, not a subpoena.

- A search warrant can be executed immediately. An agent or officer serving a search warrant can begin the search as soon as the warrant is served. The library or its employees are entitled to ask the officer to allow them to consult with legal counsel and to ask that the Libraries’ counsel be present for the search, but you should not do anything to inhibit the progress of the investigation. Evenings and weekends, call 864-0110 to request assistance.

- A subpoena allows a party a period of time to respond to and contest the court’s order.

After the Inquiry

- Institutional personnel are prohibited by law from disclosing that the FBI has sought or obtained records for foreign intelligence and international terrorism investigations to anyone other than those absolutely necessary to produce the requested information.

- Those considered absolutely necessary may include your immediate supervisor, dean, director, or department chair, as well as University General Counsel.

- You are prohibited from talking with anyone outside the group defined as absolutely necessary, either within the University or the Libraries, about what happened. That means you cannot tell a co-worker, your roommate, or even your parents about what happened.

❖ Identify Theft Prevention Program

In compliance with the Fair and Accurate Credit Transactions Act (FACTA) of 2003, the University of Kansas maintains an Identity Theft Prevention Program. The “Red Flags Rule” interprets a portion of FACTA that relates to the privacy of information. A Red Flags rule works to detect, prevent and mitigate identity theft by defining alerts that identify, prevent, and minimize the damage from identity theft.
In the KU Libraries, this means we need to watch for “suspicious” documents, information, and account activity. If you encounter any of the following situations, get your supervisor involved immediately.

- **Suspicious documents.**
  - Documents that look altered or forged, the photo does not match the person, the information does not match what the person is telling you, and/or an application appears to have been altered, forged, or reassembled.

- **Suspicious personal identifying information.**
  - Inconsistencies in the information provided or in comparison with what you know, bogus addresses, inability to provide authenticating information, and/or failure to respond to requests for complete information.

- **Suspicious account activity.**
  - Inactive account used again after a long period of non-use, patron reports of not receiving information, and/or reports of unauthorized charges (items and/or dollars due).

**FERPA – Family Education Rights and Privacy Act**

FERPA, also known as the Buckley Amendment, is intended “to protect the accuracy and confidentiality of student records.... The Act prevents educational institutions from disclosing student records or personally identifiable information to third parties without consent, but does not restrict the collection or use of information by the schools. ....” (http://www.ed.gov/offices/om/fpco/ferpa/)

The KU Privacy Office provides a document titled “Privacy Tips for Student Information” (http://www.privacy.ku.edu/resources/Tips4StudentInformationHandling.pdf) that outlines best practices for handling student information. The KU Libraries’ practices to ensure compliance with FERPA are outlined in the “Library Staff Behaviors” section on pages 2 and 3 of this document.

The University may release, without consent from the student, directory information (name, address, major field of study, etc.). When a KU student places a FERPA block on the release of his/her directory information, the student’s Voyager circulation record will not automatically update. Upon confirmation of current enrollment, authorized library staff will enter and/or update circulation records for these students.
Frequently Asked Questions

This information can help you answer basic questions. For more detailed inquiries, use the list on page 7 to refer users for more in depth responses.

Q. **How private are the records of what I have checked out?**

A. These records are kept private as part of the exceptions to the Kansas Open Records Act. Disclosure is made only to law enforcement after the verification of a legal subpoena or search warrant that has been approved by University Counsel.

Q. **Do you keep records on what I search in the library catalogs and databases?**

A. The library keeps records on what has been searched and accesses in its electronic information systems. It does not keep records that are linked to any one individual’s use of the systems.

Q. **Does the library give my name and email address to any commercial entity?**

A. The library does not transfer its files to others except for the purposes of identifying a user as a member of the KU community to allow entry into a system. Transfers of files are done only within written contracts that do not allow transfer to other entities. A state statute prevents commercial entities from using KU email addresses for commercial solicitation.

Q. **If I use the computers in the library, does the library keep track of my use? Could the use be traced back to me?**

A. The library keeps some records on searching, but they are not linked to a specific individual. Logs are purges on a regular basis.

Q. **When I use WebRetrieve who sees what I have requested? Are these records confidential?**

A. Records are seen by library staff at KU and in the libraries that fulfill requests. Library staff are bound by library policies to keep this information confidential.

Q. **If I ask a reference question via the Ask-a-Librarian service, is the question private?**
A. Questions are seen only by the library staff who are involved in answering the question, and they are bound by library policies to keep the information private.

Q. **Does the library protect my personal information (address, barcode number, ID number, etc.) in its systems?**

A. The KU Libraries, Computing Services, and its vendors employ security procedures to protect the information stored in electronic systems.

Q. **Can my library records be accessed without my knowledge?**

A. Yes, law enforcement with properly executed legal documents can access records without your knowledge. This is a provision in the federal law known as the U.S.A. Patriot Act.

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**Where to Direct Questions**

General questions, such as those outlined in the section above, may be directed to the KU Libraries Ask a Librarian service. (http://www.lib.ku.edu/askalibrarian/)

Questions specific to your service desk may be directed to the local circulation supervisor and/or the local unit or department head.

Library policy questions and/or complaints may be directed to any of the following:

**Sarah Couch**, Service Policy Coordinator  
In person at the Watson Library Service Desk, by phone to 785.864.8979, or via email to scouch@ku.edu.

**Lars Leon**, Head of Resource Sharing  
In person at the Interlibrary Loan/Resource Sharing, Room 210 Watson Library, by phone to 785.864.3073, or via email to lleon@ku.edu.

**Jennifer Church-Duran**, Assistant Dean of Libraries for User Services  
By phone to 785.864.8920, or via email to jgisme@ku.edu.