

To: Barbara A. Macikas
Deputy Director
Public Library Association

From: Eileen B. Longworth
Chair, PLA Library Confidentiality Committee

Re: Comments
Privacy: an Interpretation of the Library Bill of Rights, Draft 4-16-02
Questions and Answers on Privacy and Confidentiality

June 3, 2002

Thank you for the opportunity to comment on the latest versions of these documents. In general, our committee believes that these are improved and clearer. However, in earlier discussions, we identified the following concerns:

1. If a draft interpretation needs 8 pages of questions and answers to clarify much of the basic information, then perhaps the Interpretation is still too general. We urge the committee to reconsider the concept of a brief initial Interpretation, and cover more of the important issues in the original document.
2. We suggest that the section on "Rights of Library Users" be expanded to clarify the concept that these rights do not include the right to pursue any type of illegal activity in any library. (For example, child pornography is not protected by the First Amendment. Why not be clear that we don't protect child molesters or those who use child pornography on library property?)
3. In the question and answer document, we would like to see clarification on the Library's responsibility to instruct volunteers and others who may have access to confidential information in the proper handling of such information. There is no mention of any type of confidentiality agreement for staff or volunteers. We suggest that this concept should be included.
4. In the question and answer document, page 6, we would like to see greater clarification of the need to use encryption technology in the provision of web based services. This technology would help to prevent possible theft of personal data supplied via the web, such as used in on line library card applications, web based reference questions, or similar services.
5. In the question and answer document, we would like to see greater explanations of the need to protect confidential information when using new technologies, such as email notification, telephone notification, push marketing newsletters, any on-line library discussions, or chat room interactions.
6. In the question and answer document, page 8, we suggest that the need to maintain and archive some library records which contain personally identifiable information may take precedence over destruction of records. Classification and

- retention schedules are established at various levels and should be mentioned as issues that need attention.
7. In the question and answer document, page 8, the concern about observation of an illegal act appears to be primarily about use of materials. In public libraries, the observed act may also be about abuse or neglect of a child, or other serious social problem. This section needs clarification and further work to fully explore these difficult issues.
 8. The concept of privacy in the Library as a workplace is not fully explored in these documents. For example, staff use of email communications (for business or personal reasons) is not considered.
 9. The concept of “data mining” of library information, or customer preferences based on circulation data, is not addressed effectively. For example, should libraries use “cookies” to collect information on customers? Should libraries develop software, such as Amazon.com’s that tracks preferences and provides additional referrals?
 10. The concept of the sale of library customer databases/personal information is not addressed.

We look forward to the ongoing discussions of these matters and the careful consideration of the need to balance privacy with the increased concerns of National Security.