

# FLORIDA PUBLIC LIBRARY PRIVACY POLICY

## I. Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. In this library the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.

The courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution. Library records that are deemed confidential are covered by New York State Law signed on June 13, 1988 (I CPLR 4509).

*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.*

Numerous decisions in case law have defined and extended rights to privacy. This library's privacy and confidentiality policies are in compliance with applicable federal, state, and local laws.

User rights as well as our institution's responsibilities outlined here are based in part on what are known in the United States as the five "Fair Information Practice principles". These five principles outline the rights of Notice, Choice, Access, Security, and Enforcement.

Our commitment to your privacy and confidentiality has deep roots not only in law but also in the ethics and practices of librarianship. In accordance with the American Library Association's Code of Ethics:

"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."

## II. Florida Public Library's Commitment to Our Users' Rights of Privacy and Confidentiality

This privacy policy explains your privacy and confidentiality rights, the steps this library takes to respect and protect your privacy when you use library resources, and how we deal with personally identifiable information that we may collect from our users.

### 1. Notice & Openness

We affirm that our library users have the right of "notice"- to be informed about policies governing the amount and retention of personally identifiable information, and about why that information is necessary for the provision of library services.

We post publicly and acknowledge openly the privacy and information-gathering policies of this library. Whenever policies change, notice of those changes is disseminated widely to our users.

In all cases we avoid creating unnecessary records, we avoid retaining records not needed for the fulfillment of the mission of the library, and we do not engage in practices that might place information on public view.

Information we may gather and retain about current and valid library users includes the following

- User Registration Information
- Circulation Information
- Electronic Access Information
- Information Required to Provide Library Services

## **2. Choice & Consent**

This policy explains our information practices and the choices you can make about the way the library collects and uses your information. We will not collect or retain your private and personally identifiable information without your consent. Further, if you consent to give us your personally identifiable information, we will keep it confidential and will not sell, license or disclose personal information to any third party without your consent, unless we are compelled to do so under the law or to comply with a court order.

If you wish to receive borrowing privileges, we must obtain certain information about you in order to provide you with a library account. When visiting our library's website and using our electronic services, you may choose to provide your name, e-mail address, library card barcode, pin number, phone number or home address.

You have the option of providing us with your e-mail address for the purpose of notifying you about your library account and upcoming programs and events. You may request that we remove your e-mail address from your record at any time.

We never use or share the personally identifiable information provided to us online in ways unrelated to the ones described above without also providing you an opportunity to prohibit such unrelated uses, unless we are compelled to do so under the law or to comply with a court order.

## **3. Access by Users**

Individuals who use library services that require the function and process of personally identifiable information are entitled to view and/or update their information. You may either view or update your personal information online or in person. In both instances, you may be asked to provide some sort of verification such as a pin number or identification card to ensure verification of identity. The purpose of accessing and updating your personally identifiable information is to ensure that library operations can function properly. Such functions may include notification of overdue items, recalls, reminders, information on upcoming programs and confirmation of program registration, notice of cancellations, and the recording of emergency contact information for minors attending library programs, etc. The library will explain the process of accessing or updating your information so that all personally identifiable information is accurate and up to date.

#### 4. Data Integrity & Security

*Data Integrity:* The data we collect and maintain at the library must be accurate and secure. We take reasonable steps to assure data integrity, including: using only reputable sources of data; providing our users access to their own personally identifiable data; updating data whenever possible.

*Data Retention:* We protect personally identifiable information, controlled by the Florida Public Library, from unauthorized disclosure once it is no longer needed to manage library services. Information that should be regularly purged including personally identifiable information on library resource use, and material circulation is under the control and management of the Ramapo Catskill Library System (RCLS).

*Tracking Users:* RCLS removes links between patron records and materials borrowed according to the requirements of the ANSER system. Resolved blocks on patron records (claims returned, overdue and missing items) older than two years are deleted on an annual basis by RCLS. Unresolved blocks (unpaid overdue and lost item charges) may be kept by RCLS for up to six years. We permit in-house access to information in all formats without creating a data trail. Our library has invested in appropriate technology to protect the security of any personally identifiable information while it is in the library's custody, and we ensure that aggregate, summary data is stripped of personally identifiable information. We do not ask library visitors or website users to identify themselves or reveal any personal information unless they are borrowing materials, requesting special services, registering for programs or classes, or making remote use from outside the library of those portions of the library's website restricted to registered borrowers under license agreements or other special arrangements. Users of the library's computers must sign a computer use policy which is kept on file and reserve computer time in person at the time of use. Records of such computer use are destroyed daily.

*Third Party Security:* We ensure that our library's contracts, licenses, and off-site computer service arrangements reflect our policies and legal obligations concerning user privacy and confidentiality. Should a third party require access to our users' personally identifiable information, our agreements address appropriate restrictions on the use, aggregation, dissemination, and sale of that information, particularly information about minors. In circumstances in which there is a risk that personally identifiable information may be disclosed, we will warn our users. When connecting to licensed databases outside the library, we release only information that authenticates users as "members of our community".

*Cookies:* Users of networked computers will need to enable cookies in order to access a number of resources available through the library. A cookie is a small file sent to the browser by a website each time that site is visited. Cookies are stored on the user's computer and can potentially transmit personal information. Cookies are often used to remember information about preferences and pages visited. You can refuse to accept cookies, can disable cookies, and remove cookies from your hard drive. Our library servers use cookies solely to verify that a person is an authorized user in order to allow access to licensed library resources and to customize web pages to that user's specification. Cookies sent by our library servers will disappear when the user's computer browser is closed. We will not share cookies information with external third parties.

*Security Measures:* Our security measures involve both managerial and technical policies and procedures to protect against loss and the unauthorized access, destruction, use, or disclosure of the data. Our managerial measures include internal organizational procedures that limit access to data and ensure that those individuals with access do not utilize the data for unauthorized purposes. Our technical security measures to prevent unauthorized access include encryption in the transmission and storage of data; limits on access through use of passwords; and storage of data on secure servers or computers that are inaccessible from a modem or network connection.

*Staff access to personal data:* We permit only authorized library staff with assigned confidential passwords to access personal data stored in the library's computer system for the purpose of performing library work. We will not disclose any personal data we collect from library users to any other party except where required by law or to fulfill an individual user's service request. The library does not sell or lease users' personal information to companies, universities, or individuals.

*Links to other sites:* The library's website contains links to other sites. We are not responsible for the privacy practices of other sites, which may be different from the privacy practices described in this policy. We encourage you to become familiar with privacy practices of other sites you visit, including linked sites.

*Children:* Parents should remind their children to ask their permission before providing personal information to any website or purchasing any products or services online. We urge all parents to participate in their children's exploration of the internet and to teach them about protecting their personal information while online.

## **5. Enforcement & Redress**

Our library will not share data on individuals with third parties unless required by law. We conduct regular privacy audits in order to ensure that all library programs and services are enforcing our privacy policy. Library users who have questions, concerns, or complaints about the library's handling of their privacy and confidentiality rights should file written comments with the Director of the Library. We will respond in a timely manner and may conduct a privacy investigation or review of policy and procedures.

We authorize only the Library Director to receive or comply with requests from law enforcement officers; we confer with legal counsel before determining the proper response. We will not make library records available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction that shows good cause and is in proper form. We have trained all library staff and volunteers to refer any law enforcement inquiry to the Library Director.

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