



Legal Update and Prognostication

Protecting Library Patron Privacy

Sunday Nov. 16, 2008

4:45 pm – 6 pm Convention Center Room A2

San Jose, CA

***Mary Minow
LibraryLaw.com***

Legal Disclaimer

- Legal information
- **Not** legal advice!



Patron Privacy and the Law Today and Tomorrow

Law today

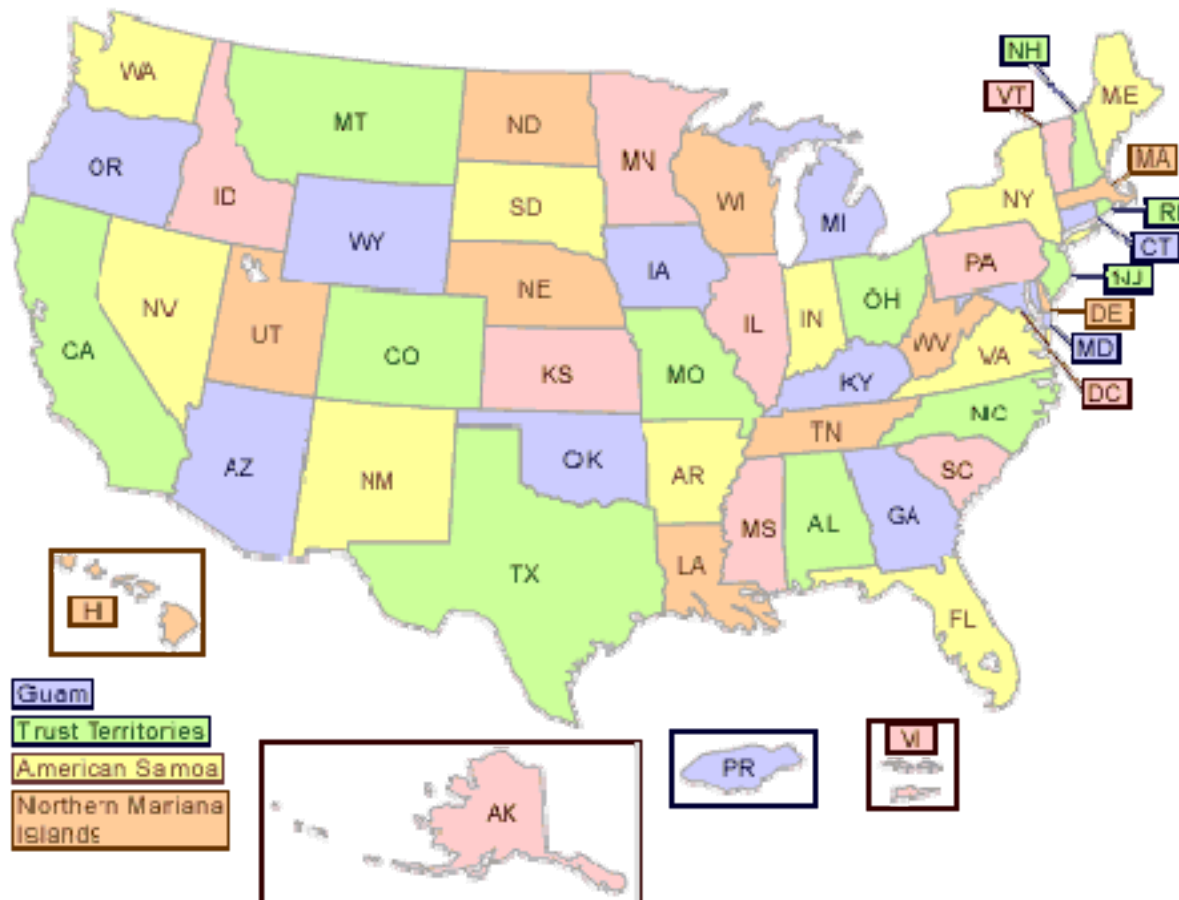
Policies



Changing Internet Landscape

New Administration – Prognostication

48 State Laws protect library records



New:

VT & CT from
permissive to required;
VT parental exception

OR add email
addresses

WI some surveillance
tapes not confidential

WY from circulation
records to "patron
transaction records"

Hawaii and Kentucky have Atty Gen. opinions

www.ala.org/alaorg/oif/stateprivacylaws.html

California Law Protects Patron Privacy Library Registration and Circulation Records

All registration and circulation records
shall not be disclosed

California Govt Code Sect. 6267



CONSENT



Exceptions

- (a) Administration of library
- (b) Individual **authorizes in writing**
- (c) By order of appropriate superior **court**

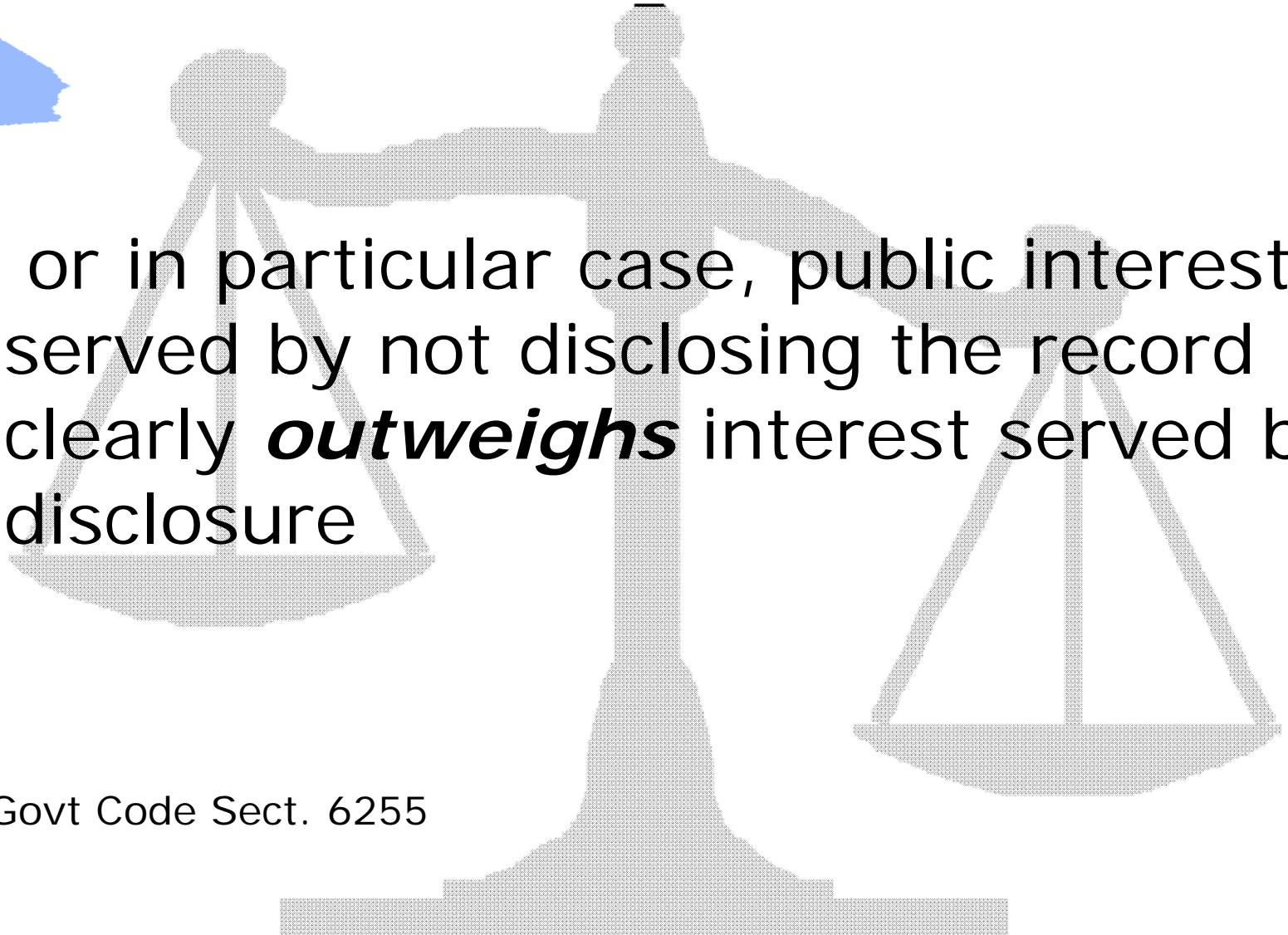
**A SUBPOENA is
not a court order
unless signed by
judge**

California: Withhold Other Records



... or in particular case, public interest served by not disclosing the record clearly ***outweighs*** interest served by disclosure

California Govt Code Sect. 6255



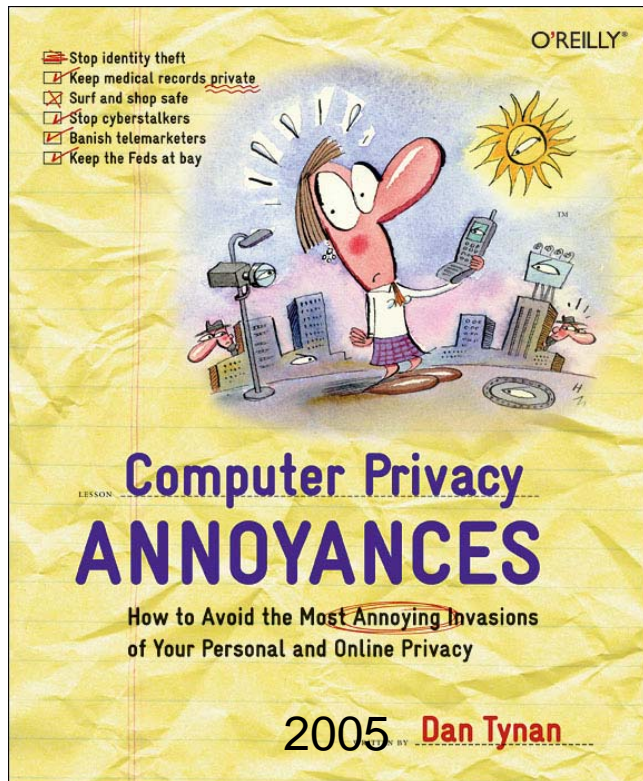
Policies

American Library Association Model Library Privacy Policy

- ***INITIAL LIMITATION ON COLLECTION, RETENTION***

- Notice
- Choice & Consent
- Access by Users
- Security & Data Integrity
- Enforcement

Aspirational policies not enough



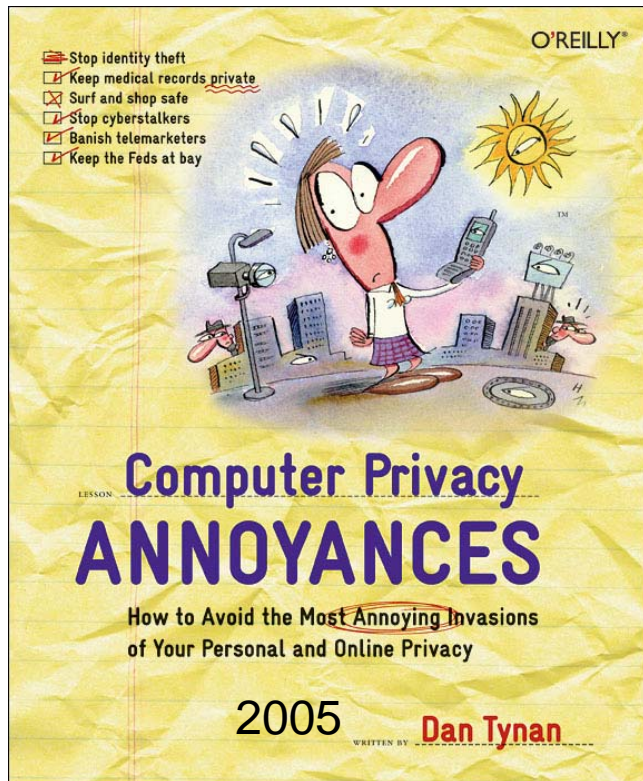
In less than 15 minutes, on a system the library thought was secure, I found resumes with phone numbers, addresses of references

... ssn#, pregnancy details...browser history, cookies

Goldmine if I was a stalker, identity thief or just your average psychopath...

Dan Tynan went to local library and...

Tynan's advice to readers



“Don't take the
librarian's word
that your privacy
is protected

– it may not be”

Does your library disclose circulation records?



Look, honey!
Our neighbor
has a book on
bankruptcy

Law – Need Consent

Policy – Offer Choice

Changing Web Landscape and Evolving Internet Use



Chat

My record and
personalization

Children online



instant messaging everywhere

privacy policy

MEEBO.COM
PRIVACY POLICY

This statement is effective as of May 14, 2007.

1. Meebo, Inc. ("Meebo") owns and runs various websites, including meebo.com, meeborooms.com, meebome.com, and others, (the "Websites"). A link to this privacy policy is provided on each of the Websites. Meebo respects the privacy of its users. Meebo will use the information that you may provide to Meebo from time to time to improve the Websites, and you may amend this privacy policy from time to time. This policy will be posted on the Websites, and you may view the information on file with Meebo as explained below.

2. **Information collected.** You are not required to provide personally identifiable information to visit the Websites; however, in order to access your third party message accounts you are required to enter your applicable user name(s) and password(s). In order to use the basic services of the Websites, Meebo does not store your user name(s) or password(s) on our server. If you wish to utilize advanced features of the Websites, such as automatic sign-in, storage of your name(s) and password(s) may be necessary. Meebo will inform you by screen message and ask you to confirm your

aim
 login
 password
[forgot password?](#) [sign up!](#)

yahoo!
 login
 password
[forgot password?](#) [sign up!](#)

google talk
 login
 password
[forgot password?](#) [sign up!](#)

msn
 login
 password
[forgot password?](#) [sign up!](#)

more networks:

sign on as invisible ☐

meebo
 meebo id
 password
[forgot password?](#) [sign up!](#)
 remember me ☐

6. Sharing of Information. Meebo may share personally identifiable information with third parties in the following cases:

a. to enable the normal course of functionality of the Websites (for example, your user name(s) and password(s) will be shared with your message services in order to allow you to send or receive messages). In some cases, Meebo may work with third parties that do analysis and development on our behalf. We may share your personally identifiable information with such a third party on the condition that the third party maintains the information as confidential and uses the information only to perform the services specified by Meebo;

b. to respond to subpoenas, court orders, or legal process, to prevent fraud, or to protect the rights, property, or safety of Meebo or its users.

c. in the event that Meebo is acquired by or merged with another company, Meebo may transfer information about you to that other company. In this event, Meebo will not be responsible for the actions of the other company, and you will be able to delete your account and become subject to a different privacy policy.

Welcome, spinn [Sign Out] [My Account]

YAHOO! PRIVACY

Privacy Home - Help

[Email this page](#) [Print this page](#)

[Yahoo! Info Center](#) > [Yahoo! Privacy Center](#)

More about Yahoo! Privacy

We have detailed reference links describing our privacy practices for a wide range of Yahoo! products and services. [Find them here](#)

Assistance

- [Privacy Policy Help](#)
- [Contact us](#)
- [Edit Account Information](#)
- [Marketing Preferences](#)
- [Marketing Communication Help](#)

What This Privacy Policy Covers

- This policy covers how Yahoo! treats personal information that Yahoo! collects and receives, including information related to your past use of Yahoo! products and services. Personal information is information about you that is personally identifiable like your name, address, email address, or phone number, and that is not otherwise publicly available.
- This policy does not apply to the practices of companies that Yahoo! does not own or control, or to people that Yahoo! does not employ or manage. In addition, some companies that Yahoo! has acquired have their own, preexisting privacy policies which may be viewed on our [acquired companies page](#).

Safe Harbor program developed by the U.S. Department of Justice. To view our [Safe Harbor Web site](#), please visit our [Safe Harbor](#) page.

For more information about our privacy policy, please visit our [Privacy Policy](#) page.

Information Collection and Use

[Third Party Cookies on Yahoo!](#) [More...](#)

Library Privacy Policy / Yahoo Privacy Policy

Warn users when they leave library site?

You are leaving the library's website.

Be aware there are limits to the privacy protection the library can provide.



that do analysis and development on our behalf. We may share your personally identifiable information with such a third party on the condition that the third party maintains the information as confidential and uses the information only to perform services specified by Meebo;

b. to respond to subpoenas, court orders, or legal process, to prevent fraud, or to protect the rights, property, or safety of the library or its users;

c. in the event that Meebo is acquired by or merged with another company, Meebo will transfer information about you to that other company. In this event, Meebo will not be responsible for the actions of the other company, and you agree to release Meebo from liability for the actions of the other company.

Library Privacy Policy / Yahoo Privacy Policy

For more information about our privacy policy, please visit our [Privacy Policy](#) page.

Information Collection and Use

My Library Record, Personalization and PINS

User Services

[Sign-In](#)

[Check My Cards](#)

[My Account](#)

Sign Up/Help

[Sign Up](#)

[FAQ](#)

[List of Libraries](#)

[Demo](#)

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Search Titles:

[Amazon.com](#)

[Amazon.ca](#)

[Amazon.co.uk](#)

[Barnes & Noble.com](#)

Elf Demonstration

The purpose of Elf is to help people reduce your overdue fines and to consolidate your library accounts. Once you have signed up, Elf will email you before your library items are due. It also lets you know when your holds are ready and when they are about to expire. Loan information is displayed in a calendar format which gives you a quick way to see the overall status of your library accounts.

Sample Email Notice (Available in HTML format only.)

To: info@libraryelf.com

Subject: ELF Courtesy Notice: Items due

Library Items on Loan

Saturday, August 14, 2004 -- info@libraryelf.com

August 2004						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
Due	16	17	18	Hold	20	21
22	23	24	Due	26	27	28
Due	30	Due				

September 2004						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	Due 4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

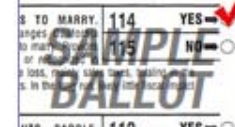
Due Tomorrow (1)

Library	Patron	Title	Due Date
NVCL	Jeff	Bend it like Beckham	Sun, Aug 15

Holds Ready for Pickup (1)

Library	Patron	Title	Location	Expires
VPL	Jeff	The simple secret to better painting : how to immediately improve your work with the golden rule of design /	Oakridge Branch Library	Thu, Aug 19

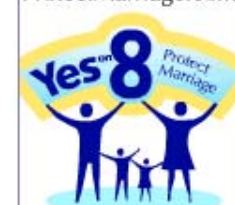
ATTENTION



Protect Traditional Marriage

LEARN MORE

ProtectMarriage.com



Paid for by ProtectMarriage.com
Yes on 8,
a project of California Renewal

Is it "disclosure" if PIN is very weak?

Library	Patron	Title	Expires
VPL	Jeff	composition, style, subject.	
VPL	Jeff	Learn to draw & paint /	Aug 25
VPL	Jeff	Line & wash /	Aug 25
VPL	Jeff	Shameless exploitation in pursuit of the common good /	Aug 25
VPL	Jeff	Strengthen your paintings with dynamic composition /	Aug 25
NVCL	Jeff	Google hacks /	Aug 29
VPL	Jeff	24 days : how two Wall Street Journal reporters discovered the lies that destroyed faith in corporate America /	Aug 31
VPL	Jeff	Made you look : how advertising works and why you should know /	Aug 31
VPL	Jeff	Basics of design : layout and typography for beginners /	Sep 03

Try out the real-time demo to get a sense of the checking. Once checked, an itemized list of books due is sent to your email.

You can also subscribe to the RSS feed [here](#) to follow this demo account. The libraries in this demo are:

RSS feeds of books due

May children type in book reviews etc. online at library website?



Federal law requires
parental consent for
commercial services
children under 13

Children's Online Privacy Protection Act (COPPA)

Next Administration



Sen. Barack Obama
2004 Democratic Convention

**"WE DON'T LIKE
FEDERAL AGENTS
POKING AROUND
OUR LIBRARIES
IN THE RED
STATES."**





CHANGE.GOV

OFFICE OF THE
PRESIDENT-ELECT

"Today we begin in earnest the work of making sure that the world we leave our children is just a little bit better than the one we inhabit today."

President-elect Barack Obama

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AGENDA • TECHNOLOGY

"Let us be the generation that reshapes our economy to compete in the digital age. Let's set high standards for our schools and give them the resources they need to succeed. Let's recruit a new army of teachers, and give them better pay and more support in exchange for more accountability. Let's make college more affordable, and let's invest in scientific research, and let's lay down broadband lines through the heart of inner cities and rural towns all across America."

Of the People, By the People

There is no more important resource for changing the direction of this country and defining the ideas that will transform America than the American people.

Tell us your ideas and be part of the change you're looking for.

[SUBMIT YOUR IDEAS](#)

UPCOMING EVENTS



THE INAUGURATION

JANUARY 20, 2009 in WASHINGTON, DC

THE AGENDA

[Revitalizing the Economy](#)[Ending the War in Iraq](#)[Partnership](#)[MORE ISSUES](#)

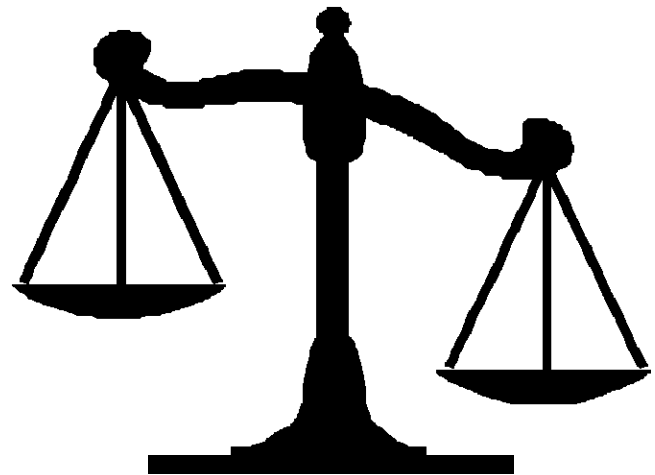
YOUR ADMINISTRATION

**Strengthen privacy protections for digital age ...
hold government accountable for violations of
personal privacy.**

Barack Obama and Joe Biden understand the immense transformative power of technology and innovation and how they can improve the lives of Americans. They will work to ensure the full and free exchange of information through an open Internet and use technology to create a more transparent and connected democracy. They will encourage the deployment of modern

Obama Administration?

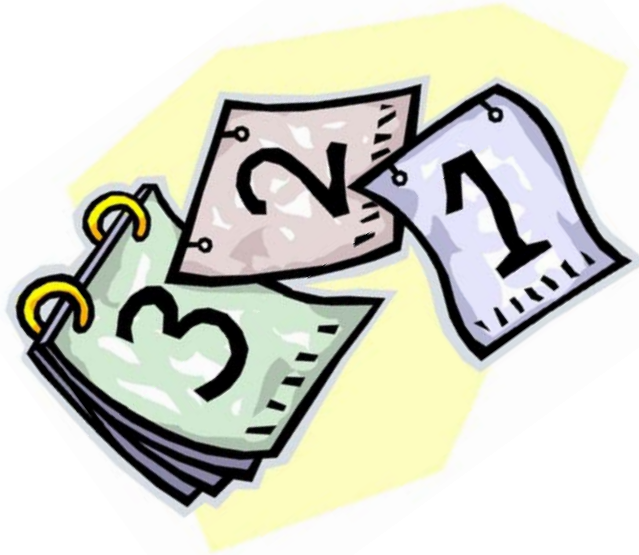
- Centrist
 - intelligence advisors
Republicans, centrist
Democrats
- Compromised on FISA
 - stops warrantless
surveillance but
expands wiretapping,
retroactive immunity
- Rule of law, Constitution



Patron Privacy and the Law Today and Tomorrow

Law today

Policies



Changing Internet Landscape

New Administration – Prognostication