

Full Length Research

Personal Information and Library Compliance with Fair Information Practice Principles

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Accepted 21 July 2014

Libraries are not only to provide information resources and references for its users, but also has the responsibility to let users know their rights in using its` resources and protecting their rights. Although some libraries are protecting the privacy of their patrons, yet libraries cannot ensure that personal information will remain confidential. Hence, patrons must therefore have sufficient information to make informed decisions about release of personnel data. Education and orientation is a great way of enhancing privacy policy among library personnel. This study will first summaries the basic concepts of personal information in the context of the library, followed by the possession of personal information in the library, ways library can help protect patrons' confidentiality and further explore the importance of library privacy policies and finally, suggests ways libraries can help handle patrons' personal information while complying with the fair information practice principle.

Keywords: Personal information, Fair information Practice, Libraries.

Cite This Article as: Omotunde Oluwatobi (2014). Personal Information and Library Compliance with Fair Information Practice Principles. *Inter. J. Acad. Lib. Info. Sci.* 2(6): 58-65.

INTRODUCTION

Libraries today collect and retain many types of personal data which includes membership files, records of resources used, interlibrary loan requests, reading histories, records of online searches, email and interest searches, web pages visited, and other digital activities (Fifarek, 2002; Sturges et al., 2003). Now with the aid of information technology equipments libraries have greater potential for collecting and storing many types of personal data into digital form, librarians must be increasingly

vigilant in guarding the public trust (Sturges et al., 2003). A way that the library profession can help fosters intellectual freedom is by protecting the confidentiality and privacy of patrons regarding the information and resources they request and use.

A recent international study of library association codes of ethics reveals that the protection of patron privacy and confidentiality was among the principles most commonly identified and librarians have a couple of challenges to

law enforcement access to library records (Airoldi, 2006). There are situation under which libraries share the patron information they collect among library personnel and between libraries for a various administrative purposes/ activities, and it could be unauthorized released despite the strong commitment to patron confidentiality.

According to Magi, (2007), patrons' information may also be shared in response to information requests from family friends, and co-workers.

Since libraries cannot fully guarantee confidentiality of personal information based on various constrains enacted in government policy, other measures that could be used to protect patron privacy is through integrating fair Information Practice Principles (FIPPS) into the library means of protection patron privacy. The fair information practices principles was first articulated in a 1973 report issued by the US department of Health, Education and Welfare entitled Records, Computer and Right of Citizens (1973), offer guidelines in this respect. FIPPS identify five core privacy protections: notice/awareness, choice/consent, access/participation, integrity/security and enforcement/redress. Primary among these principles is the requirement for notice/awareness. According to FIPPS, individuals have a right to know if their personal information is being collected, how it will be used, and with whom it will be shared. This knowledge will enable patrons make informed decisions about the release of their personal information.

Although libraries do not enforce compliance with FIPPS, professional library association could recommend that these practices be implemented in library privacy policies. (Burkell and Carey, 2011). A composition of policy statements, best practices, and practical advice for libraries wishing to improve their privacy practices should be encouraged. Libraries should inform patrons of the information practices of the library such as what information is collected by library and protected by the library privacy policy e.g, the reference requests, information services, circulation and registration records, server and client computer logs. Also, how this information will be used by the library, how long the information will be retained, who will have access to patron information. Libraries should incorporate this information into privacy polices made available to patrons, thereby providing full notice to patrons regarding their information practices prior to collecting personal information. (American Library Association, 2004).

Burkell, and Carey, (2011) submitted that the reason why libraries do not use the most basic privacy mechanism could be lack of policies which result to a lack of enforcement that is, libraries may not have privacy policies because, unlike other commercial entities that collect personal information libraries are not officially mandated to have these policies over past decades. Also, limited resources may contribute to the lack of

polices. Hence, this study is centered on the premise of promoting confidentiality of patron personal information through complying with the Fair Information Practices Principles.

PURPOSE OF THE STUDY

The major purpose for this study is to critically analyze and suggest how personal information of library users can be protected with the incorporation of fair principle into the library privacy policy and to achieve this the researcher will systematically review the basic concepts of personal information in the context of the library, discuss which and what personal information libraries can have in its possession. Also ways library can help protect patron's confidentiality will be reviewed. The importance of library privacy policies will be explored and Suggesting on ways libraries can help handle patron's personal information while complying with the fair information practice principle will be at the heart of this study.

PERSONAL INFORMATION

Personal information is generally defined as the information that any organization collects from their clients, customers or users for various purposes. Although such information is saved in the organization, it is exempted from the "public records." Some states list the personal information as a public record but it is exempt from being used by the public. Other states separate "personal records" from "public records." No matter how it is classified, the intent is the same, that is, the personal information is confidential and should be protected. (Zhao, 2008).

The content of personal information includes the information people give when they apply for a job; personnel information such as any files maintained to hire, medical records; student records; personal financial documents, such as bank accounts, trade secrets, or tax returns; records dealing with the detection and investigation of crime; adoption contracts; any voluntary information provided by an individual, corporation, organization, or any other entity; any data, records or information developed, discovered, collected, or received by the state universities or colleges in the conduct of study, research; password codes or access codes; and any record which may only be disclosed to specifically designated persons or is designated confidential.

The confidentiality of personal information is protected by laws and not allowed to be published. The following actions according to Zhao (2008) are among those considered infringements of personal information:

- Sharing users' information with a third party

without notifying users;

- Releasing or selling users' information without informing users;
- Collecting personal information more than actually needed;
- Not explaining the policy of protecting users' information when collecting and using it;
- Installing cookies or other software to inspect users' internet activities without indicating it to users.

POSSESSION OF PERSONAL INFORMATION IN THE LIBRARY

Libraries must obtain certain personal information about users in order to provide library account. Hence, it's important to receive personally identifiable information to create and update library. According to Minuteman Library Network (2010) information about library users is found in the following contexts.

User registration information: This is the information, including names, home addresses, phone numbers, and email addresses, this information should be provided to the library when a library card is obtained by a user. This information should be kept and used for library business, and user accountability for checked out materials. It could also be retained to determine eligibility for resources limited to residents of a community.

Circulation information: in situations where and when library materials are borrowed through system, there should be records to indicate the dates, materials, and borrowers captured in database. Also while compiling and retaining data on how frequent each item is borrowed, the link to the borrower should be broken at the time the material is returned unless overdue fines have accrued.

Electronic Access Information: Data regarding users are to be obtained at the time they use a library card to gain access to an electronic database of used computers within the library. Libraries should keep no permanent record of sites visited by library users, the electronic databases accessed, or the searches performed by individual users. It should not disclose to third parties any information that could be used to identify individuals or their use of its resources, except as required by law or appropriate law enforcement procedures.

Ways Library Can Protect the Confidentiality of Library Patron

Libraries have great and increasing potential for collecting and storing many types of personal data, often

in digital form; hence, librarians must be increasingly vigilant in guarding the public trust. Magi, (2006), Struges et al, 2003, Fifarek, 2002, Minnow& Lipinski, 2003 Nolan,1993, America Library Association,2003, 2004 respectively. Stated some ways librarians could help preserve the privacy of their clients.

- **Conduct a privacy/confidentiality audit.**

Librarians should first review their everyday operations to make themselves aware of the many types of records that link patron identifiers with information requests. Examples include:

- ✓ Circulation records
- ✓ Overdue materials records
- ✓ Interlibrary loan requests
- ✓ Database search records
- ✓ Requests for photocopy duplication
- ✓ Request slips for materials in closed stacks
- ✓ User profiles for selective dissemination of information (SDI) services
- ✓ Records of Web pages visited on public terminals
- ✓ E-mail messages sent and received on public terminals
- ✓ Records of individual consultations with patrons
- ✓ Copies of messages generated through e-mail or chat reference services
- ✓ Sign-up sheets for use of computer terminals or other library resources

- **Gather the minimum amount of patron information needed for library operations**

If the library needs to collect data about patrons for planning purposes, librarians should find a way to do so that protects the anonymity of patrons. For example, information could be collected in a separate database with no field for patron name or other personally identifiable information (Nolan, 1993).

- **Retain information connecting a user to a particular transaction only as long as needed for normal operations, and then discard.**

As long as records of any type exist, librarians cannot ensure confidentiality, because the records can be obtained by government agencies. Crawford, (2003) disputes many of the arguments made in favor of retaining records, and warns that library administration should be careful about giving up too much liberty in exchange for security. He suggests that librarians can continue to provide personalized services such as selective dissemination of information, but should ask for

patrons' permission and tell them about the risks.

- Restrict access to patron information to a limited number of appropriate library personnel, and don't give access or information to faculty or administrators.
 - Write use and privacy policies that tell patrons what they can do to protect their privacy, and acknowledge the limits of what you can do to protect them (Fifarek, 2002).
 - Educate staff on confidentiality policies (Nolan, 1993). Also educate administrators, library board members, town officers and others whose support you will need.
 - Make available a flyer or poster that states patrons' rights to privacy, possibly including the text of the applicable state law.
- **Avoid practices and procedures that place patron information on public view.**

American Library Association, (2004) advises librarians to avoid using postcards to notify patrons of overdue or requested materials, avoid giving the titles of reserve requests or interlibrary loan materials over the telephone to members of a library user's household or leaving such information on answering machines, and be sure to position staff terminals carefully so that screens cannot be read by members of the public (American Library Association, 2004).

- **If the library uses an outside Internet Service Provider, choose one whose practices best match the library's privacy policy.**

Minow and Lipinski (2003) observe that patrons' Internet activities and messages can be easily tracked and the library cannot control that information. Internet Service Providers, unlike libraries, may not have any incentive to resist government requests for patron information.

- **If the library buys an Internet filtering product, be sure company will not sell its database of Web sites visited by patrons in the library (Minow & Lipinski, 2003).**
- **Don't include patron names on interlibrary loan requests sent to other institutions (Nolan, 1993).**

Nolan, (1993) points out that when requests are submitted to lending libraries, user information is often unwittingly shared with people outside the borrowing

institution. He also raises questions about whether state laws concerning privacy include interlibrary loan records, and if so, which state law applies in the borrowing or the lending institution's state? He advises that if the lending institution does not require the patron name, the requesting library should not provide it.

- **Set automated circulation systems to purge borrower information when items are returned.**

Crawford, (2003) warns librarians that the default in some automated systems is to retain circulation history, even after an item is returned. Librarians can change this, but they must first be aware that they need to do so. Crawford, (2003) further asserts that there is no excuse for maintaining circulation histories after items are returned and further believes there is no excuse for a general-purpose library system that ships with retention of circulation history as a default, or even as an option without loads of warnings.

- **Delete old Web server logs.**

Web log files store information about all the times Web pages are accessed, and may include such information as dates and times, URLs accessed, IP addresses or names of persons accessing pages, and whether or not the server successfully delivered the pages requested.

- **Check with software vendors to see if they have tools for making the library system logs anonymous.**

Many online library systems have the ability to log and track various uses of the system. For example, it may be possible to log every search performed in the online public access catalog.

THE IMPORTANCE OF LIBRARY PRIVACY POLICIES

Privacy is essential to the exercise of free speech, free thought, and free association. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf. According to the Minuteman Library Network (2010) libraries should recognize the importance of protecting the privacy and confidentiality of their users' registration, circulation, and electronic access information. In other words, policies committed to privacy and confidentiality that are deep rooted not only in law, but also in the ethics and practices of librarianship should

be formulated and implemented.

User rights - as well as the libraries responsibilities should be based on the five "Fair Information Practice Principles." These five principles outline the rights of Notice, Choice, Access, Security, and Enforcement.

Librarians can make ethical principles operational at the local level by adopting policies that affirm the professional code of ethics. Policies enable an organization to behave in accordance with its mission and philosophy. Weingand (2001) stated that policies "articulate the library's position on matters of philosophy and operations" and help the library fulfill the roles and provide the services it has selected to meet community needs. Nelson and Garcia (2003) agreed further that policies define what a library values and must be integrally connected to the library's mission and goals.

American Library Association, (2004) recommends that libraries have in place at least five policies: materials selection, privacy and confidentiality, Internet use, public relations, and appeals. According to Becker,(2006) written policies are important to encourage stability and reduce confusion about the library's operations, to demonstrate that the library is running in a businesslike fashion, to inform the community about the library's intent, to give credence to the library's actions, and to show that the library is willing to be held accountable for its decisions. (American Library Association, Office for Intellectual Freedom, 2006).

Compliance with Fair Information Practice Principles in Libraries

Over the past years, Society has grown in complexity, generating an increase in the amount of information that is recorded and in its capacity for retrieving this information. (Garoogian, 1991) The invasion of the information communication technology machines has brought complexity to the issues of privacy of personal information. Studies by government and private agencies have revealed the manner in which organizations collect and use personal information which was referred to as "information practices" and the requirement to assure those practices are fair and provide adequate privacy protection. The aim of fair information practice principle is to protect the privacy of users and support their exercise of free speech, free thought, and free association. Confidentiality exists when a library possesses personally identifiable information about users and keeps that information private for its users. The library commitment to patron privacy and confidentiality should have deep roots in the five Fair information practice principles (Notice, Choice, Access, Security, and Enforcement) and also be in the ethics and practices of librarianship. This will enhance respect to information sought or received and resources consulted, borrowed, acquired, or

transmitted. Below is the description of how each of the five fair information practice principles can be incorporated into the library privacy policies.

Notice & Openness

The most fundamental principle is notice. Three of the other principles; choice, access, and security are only meaningful when an individual has notice of an entity's policies. Hence, libraries should affirm that its patrons have the right of "notice" to be informed about the policies governing the amount and retention of personally identifiable Information, and about why that information is necessary for the provision of library services. In all cases the libraries must avoid creating unnecessary records and avoid retaining records not needed for the fulfillment of the mission of the library which does not engage in practices that might place information on public view. Libraries should formulate policies that addresses their position on the right of notice offered to their patrons.

Librarians are in a very powerful position since they have direct access to the private reading and subject interests of their users. They have been entrusted with this power. It is, therefore, their moral obligation to keep this information confidential. This policy should cover issues on user personal information as it applies to library circulation records, tape backups, financial records pertaining to payment for lost or damaged materials, computer use records and all other records linking a patron's personally identifiable information to the library resource used. Also, issues which contain the identity of a user and the books, documents, films, recordings or other property of the library that the patron access with the level of confidentiality must be addressed by the library policies. Patron should properly be informed before divulging personal information. They must be able to identify the libraries collecting their information, identify what the data will be used for, identify any potential recipients of the data, the nature of the data collected and the means by which it is collected if not obvious(passively, by means of electronic monitoring or actively, by asking the patrons to provide the information. Also, provision of the requested data whether it's voluntary or required and the consequences of a refusal to provide the requested information must be made clear to the users of library resources.

Choice & Consent

The second widely-accepted core principle of fair information practice is individual choice and consent. The Federal Trade Commission Protecting America's Consumers, (2012) sees choice as giving client options

as to how any personal information collected from them may be used. Specifically, choice relates to secondary uses of information i.e uses beyond those necessary to complete the contemplated transaction. Libraries should not at any occasion collect or retain private and personally identifiable patron information without the patron's consent. Further, if a patron consents to provide personally identifiable information, it should be kept confidential and not sold, license or disclose personal information to any third party without patron consent, unless compelled to do so under the law or to comply with a court or other enforceable order presented by a law enforcement agency.

In order to provide borrowing privileges, libraries are to obtain certain information about its patrons. When visiting their web site and using its electronic services, a patron is to be given a choice to provide his or her name, email address, library card barcode, phone number or home address. A patron should have options of providing an e-mail address for the purpose of notification about their library account and may request that the library remove the e-mail address from his or her record at any time.

Furthermore, Libraries are not to use or share the personally identifiable information provided to it on-line without also providing its patrons an opportunity to prohibit such unrelated uses, unless it's compelled to do so under the law or to comply with a court or other enforceable order.

FTCPAC, (2010) considered two types of choice/consent regimes as: opt-in or opt out. Opt-in regimes require affirmative steps by individuals to allow the collection and or use of information while opt-out regimes require affirmative steps to prevent the collection and or use of such information. The distinction lies in the default rule when no affirmative steps are taken by an individual. Choice can also involve more than just a binary yes/no option. Libraries are in the position to allow their patrons to tailor the nature of the information they reveal and the uses to which it will be put. Thus, for example patrons can be provided separate choices as to whether they wish to be on the library general internal mailing list or public client list. In order to be effective, any choice regime should provide a simple and easily accessible way for patrons to exercise their choice.

Access by Users

Access is the third core principle. It refers to an individual's ability both to access data about him or herself. i.e to view the data in an entity's files and to contest that data's accuracy and completeness. Hence, Individuals who use library services that require the function and process of personally identifiable information are entitled to view and/or update their information. To protect patron privacy, patrons may only update personal

information in person (except e-mail address and PIN [personal identification number] on-line, and patrons may be asked to provide verification of identity through a PIN or authorized identification card. The purpose of accessing and updating personally identifiable information is to ensure that library operations can function properly. Such functions may include notification of overdue items, recalls, reminders, etc. Library personnel are to explain the process of accessing or updating information so that all personally identifiable information is accurate and up to date. To be meaningful, access must encompass timely and inexpensive access to data, a simple means for contesting inaccurate or incomplete data should be put in place by the library management by which they can verify the information, and the means by which corrections and patron's objections can be added to the data file and sent to all recipients.

Data Integrity & Security

The fourth widely accepted principle is that data be accurate and secure. To assure data integrity, information collectors must take reasonable steps such as using only reputable sources of data and cross-referencing data against multiple sources, providing information provider access to data and destroying untimely data or converting it to anonymous. (FTCPAC, 2010). Security involves both managerial and technical measures to protect against loss and the unauthorized access, destruction, use or disclosure of the data. The managerial measures include internal organizational measures that limit access to data and ensure that those individuals with access do not utilize the data for unauthorized purposes. Technical security measures to prevent unauthorized access include encryption in the transmission and storage of data.

The data collected and maintained at the libraries must be accurate and secure. Library should take reasonable steps to assure data integrity, including: using only reputable sources of data; providing the users access to their own personally identifiable data; updating data whenever possible; utilizing middleware authentication systems that authorize use without requiring personally identifiable information; destroying untimely data or converting it to anonymous form.

Libraries are to protect personally identifiable information from unauthorized disclosure once it is no longer needed to manage library services. Information that should be regularly purged or shredded includes personally identifiable information on library resource use, material circulation history, and security/surveillance tapes and logs.

Furthermore, libraries security measures are to involve both managerial and technical policies and procedures to

protect against loss and the unauthorized access, destruction, use, or disclosure of the data. The managerial measure is to include internal organizational procedures that limit access to data and ensure that those individuals with access do not utilize the data for unauthorized purposes. The 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.

Authorized library staff should be the only one permitted with assigned confidential passwords to access personal data stored in the library computer system for the purpose of performing library work. The library personnel's are not to disclose any personal data been collected about its patrons to any other party except where required by law or to fulfill an individual patron's service request. The library does not sell or lease patrons' personal information to companies, universities, or individuals.

When Security cameras are installed at various areas in the library, it is to assist security personnel and staff in monitoring and quickly responding to situations affecting the health and safety of library visitors and staff. Recordings from security cameras should be stored and no longer destroyed, unless an incident occurs that requires holding the entire recording or a portion of the recording longer. Security camera recordings should only be made available to law enforcement through a legal subpoena or lawful court order. Library security cameras are to be limited to locations and uses that do not violate the reasonable expectation of privacy.

Enforcement & Redress

It is generally agreed that the core principles of privacy protection can only be effective if there is a mechanism in place to enforce them. Libraries should not share data on individuals with third parties unless required by law as previously noted this policy. In order to enhance this, the library is to conduct periodic privacy audits in order to ensure that all library programs and services are enforcing the privacy policy. Library users who have questions, concerns, or complaints about library handling of their privacy and confidentiality rights, should be given options to file written comments with the board of management the Library. It is the duty of the libraries to respond in a timely manner and may conduct a privacy investigation or review of policy and procedures. Libraries are not to make library records available to any agency of state, federal, or local government unless a subpoena, warrant, court or other enforceable order is issued and is in proper form. The libraries have to train all library staff and volunteers to refer any law enforcement or users

complain inquiries to library administrators.

Privacy Policy Recommendation Guidelines in Protection Personal Information of Patron's in Libraries.

Privacy policy explains and deals with library patrons' privacy and confidentiality rights, steps libraries take to respect and protect patron privacy when using library resources, and how they deals with personally identifiable information that it may collect from patrons should be reviewed while formulation policy on patron's privacy matters.

Policy formulated must be that which state categorical the affirmation of patrons to have the right of "notice" to be informed about the policies governing the amount and retention of personally identifiable information, and about why that information is necessary for the provision of library services. Also to be considered, in patron's privacy policy is that libraries are not to collect or retain private and personally identifiable patron information without the patron's consent. Expect, if a patron consents to provide personally identifiable information. The policy also must be that which will promote individuals who use library services that require the function and process of personally identifiable information to be entitled to view and/or update their information.

Finally, the projected privacy policy must be positioned with the view that data collected and retained at the libraries must be accurate and secure. Libraries must take adequate steps to assure data integrity, including: using sources of data that are reputable; providing library users access to their own personally identifiable data; updating data whenever possible; destroying untimely data or converting it to anonymous form.

CONCLUSION OF THE STUDY

Libraries have real issues regarding the privacy and confidentiality of the personal information of their patrons, and these issues will only grow as digitization of library services increase. Despite an admirable and long standing commitment to patron privacy and confidentiality, libraries cannot protect their patrons from all possible authorized and unauthorized access to their personal information. Given this situation, libraries are left with no other option than to provide their patrons with notice regarding the collection and use of their personal information, thereby complying with the fair information practice principles. Also, providing comprehensive notice regarding the collection and use of personal information, libraries will allow their patrons to make informed decisions on the release of their personal information. Libraries should be ready and supported in the development of privacy policies. With these supports

there is little doubt that libraries, long advocates of patron confidentiality, will be more likely to provide these most basic of privacy protection measures to their patrons.

RECOMMENDATION OF THE STUDY

Conclusions from past studies have proven that majority of libraries fail to provide notice and most libraries that attempt to provide notice do so ineffectively. Moreover, in this period in which the confidentiality of patron records cannot be well assured, libraries are not typically enacting this basic of mechanism that would allow patrons to make informed decisions about the release of their personal information (Johnson, 2000).

Furthermore, studies revealed that academic qualification of library administrator have an effect on the ability to formulate a policy protection user's confidential information. Magi (2010) discovered in his study that libraries at which the director/ chief librarian has the Masters degree in library science are far more likely to have written policies. This finding may be that librarians who earn a Masters degree in library science were educated about the importance of confidentiality during their degree programs. Hence, leadership in library should be seen as critical to the effective formulation and compliance to the privacy policy in other words, librarian's orientation and education on privacy law should be considered important for librarians. When privacy policies come into organizational awareness, libraries are likely to provide both notice that addresses the minimal regulatory requirements and a more comprehensive policy that would conform to Fair information practice principles. In other words, policy that addresses the issues of providing patrons privacy should be incorporated into the libraries policy framework.

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