

## **EINETWORK POLICY STATEMENT ON PRIVACY**

### **General Principles**

Personal privacy is a basic cornerstone for the exercise of free speech, free inquiry, and free association in a democracy. Libraries have long been considered essential to the exercise of First Amendment rights in the United States by an informed citizenry. Courts have recognized many aspects of a right to personal privacy enjoyed by all Americans, and state constitutions and statutes afford added protections for that right. The Pennsylvania Supreme Court has held that the Commonwealth's Constitution affords protection for the privacy of state residents, and the confidentiality of library users' circulation data is specifically safeguarded by statute.

Consistent with these values, both eiNetwork and participating libraries are committed to respecting and protecting the privacy of users and employees. We are committed to maintaining the privacy of users of our network, and we will treat as confidential all records in our possession or control that reveal the identity or other personal information of library users.

### **Our Privacy Policy**

This Privacy Policy sets out the policies that the eiNetwork has adopted and the procedures that it is implementing to protect the privacy of those who use resources in the eiNetwork participating libraries.

Any questions concerning our Privacy Policy and any complaints or concerns regarding how eiNetwork protects patron privacy should be directed to the eiNetwork Director.

### **Personal Information We May Possess**

We must obtain certain personal information about users in order to provide access to materials and maintain the integrity of our system and participating libraries' collections. This may include patron's name, home address, telephone number, e-mail address, birth date, and library card number. This information about library users is found in the following contexts:

- User registration information – This is the information, including names, home addresses, phone numbers, and e-mail addresses, that is provided to the library when a library card is obtained by a user. This information is retained by the interlibrary computer system for all active accounts.
- Circulation information – When library materials are borrowed through our interlibrary computer system, records indicating the dates, materials, and borrowers are captured in our database. While we compile and retain data on how often each

## **Penn Hills Library adheres to and follows the privacy policy established by eiNetwork**

item is borrowed, we typically do not retain information for more than a few weeks on who borrowed the item after it has been returned. The interlibrary computer system does retain the most recent borrower so that libraries may address missing or damaged items as necessary.

- Electronic access information – We may obtain data regarding users at the time they use a library card to gain access to an electronic database or use computers within the library. Our software is programmed to purge personally identifying information automatically after a short period of time, usually about 24 hours.

In all cases we make every reasonable effort to avoid creating unnecessary records, and thus we have systems in place to avoid retention of records that are not needed for the fulfillment of the mission of the eiNetwork or its participating libraries. These systems may not always function perfectly; however, eiNetwork assumes no liability should data be retained longer than our policy dictates. A catalog of the types of data we collect that may have personal identifying information appears at the end of this Policy Statement.

### **General Policy of Nondisclosure**

The eiNetwork will not publicly disclose personal information about library users under any circumstances. The eiNetwork will not sell, lease, or give users' personal information to companies, governmental agencies, or individuals except as needed by the participating libraries or as required by law.

Personal information of library users may be accessed by and used by a staff member of eiNetwork or of a participating library when the staff member is acting within the scope of his or her duties in the administration of the library or interlibrary computer system. Staff access must be authorized by Director of the participating library. The eiNetwork assumes no liability for disclosure of library user personal information by any library staff acting within or outside the scope of his or her duties.

The eiNetwork or a participating library may be required to provide a user's personal information to a local, state or federal governmental entity pursuant to compulsory legal process. While we will make every effort to respect our users' privacy in these circumstances, we may be under a legal requirement to turn over data, and we intend to comply with the law. We have adopted guidelines for responding to a subpoena, warrant, legal demand, or court order for personal information that has been authorized pursuant to a federal, state, or local law; these guidelines are set out below.

The eiNetwork cooperates with law enforcement authorities at the request of one of its Corporate members (Allegheny County Library Association or Carnegie Library of Pittsburgh), and may provide information to such authorities, for the purpose of investigating and prosecuting theft of library materials. We may also provide information to certain collection agencies or in judicial proceedings for the purpose of collecting fines or recovering the cost of items not returned to the library. The eiNetwork will comply with a request for data from a participating library to enforce its

**Penn Hills Library adheres to and follows the privacy policy established by eiNetwork**

local policies. The eiNetwork requires a written request from the Library Director for such data referencing the local policy and releasing eiNetwork from any liability associated with how the data is used.

**Data Integrity and Security**

The eiNetwork endeavors to maintain the accuracy of all information we collect and retain. We also are committed to maintaining the security of all personal information. We have put in place appropriate physical, electronic, and managerial procedures in an effort to safeguard and secure the information we collect to prevent unauthorized access, to maintain data security, and to ensure the proper use of information. We recognize that no system is immune from unlawful intrusion through hacking, which violates both federal and state laws, but we utilize both managerial and technological security procedures to protect confidential data.

We also permit only authorized eiNetwork or library staff to access personal information stored in our computer system; additionally, access to our network is password protected.

Despite the precautions we take to prevent unauthorized access to personal information, however, the eiNetwork cannot guarantee that information we collect can never be accessed by unauthorized users. While we will remain vigilant and take all reasonable precautions to prevent this, the eiNetwork is not liable for unauthorized access to user personal information.

**Guidelines for Responding to Legal Process**

There may be occasion when the eiNetwork or its participating libraries are required to respond to a subpoena, warrant, legal demand, or court order for personal information that has been authorized pursuant to a federal, state, or local law. We have instituted the following procedures to ensure that personal information will be disclosed only where legally required.

1. The eiNetwork will not make any library records available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document in proper form is issued by a law enforcement authority or court of competent jurisdiction.
2. Participating libraries that receive a subpoena, warrant, court order or other investigatory document requiring production of any eiNetwork information should contact the eiNetwork Director, unless prohibited from doing so by law.
3. If the eiNetwork receives a subpoena, warrant, court order or other investigatory document, the eiNetwork Director will inform the Director of the Library in question, unless prohibited from doing so by law.

**Penn Hills Library adheres to and follows the privacy policy established by eiNetwork**

4. The eiNetwork Director is the only person authorized to receive or comply with requests or inquiries from law enforcement officers. The eiNetwork Director may delegate this authority to specific designated members of the eiNetwork staff.
5. Should a law enforcement authority serve a warrant requiring that eiNetwork or the library provide immediate access by law enforcement officers to specific records, staff will not impede access, but will immediately contact the eiNetwork Director.
6. The eiNetwork will consult with legal counsel in the event of such request for release of library records and will respond to the request consistent with advice of counsel.
7. The eiNetwork staff will refer any informal law enforcement or other individual or agency inquiries (not involving the service or compulsory process) to the eiNetwork Director. Staff should cooperate with law enforcement authorities in every way practicable, but must not provide those authorities or any requester with personal information of library users obtained from or in the possession of eiNetwork based upon an oral or noncompulsory written request.

**Library Use of User Data for Library Development or Promotion Purposes**

The eiNetwork will provide library user information to a participating library upon receipt of a written request from the Library Director, subject to the restrictions contained in this paragraph. First, only information pertaining to those users living within the predetermined service area boundary of the requesting library may be provided to that library. Second, only names, addresses, phone numbers, and e-mail addresses of users extracted from registration data may be provided to the requesting library. Third, personal data provided under this paragraph may be used only for promoting the services or programs of the requesting library or fundraising for the requesting library, and for no other purpose. Finally, such data may not be sold, copied, or made available to anyone outside of the requesting library (except where a commercial mailing, solicitation, or similar service firm is used and that firm agrees in writing to confidentiality restrictions and to return or purge the data after the library's requirements have been fulfilled). The eiNetwork may provide library user data to its Corporate members for the purposes of analyzing, developing, and enhancing library services.

**Notice and Compliance**

The eiNetwork and its participating libraries shall inform all staff of these privacy policies, shall publicize or post these policies to the attention of library users, and shall make reasonable efforts to ensure compliance with this Policy Statement, as well as with state, federal, and local laws applicable to privacy and confidentiality.

## **Appendix 1: Categories of Data**

### **Network Security**

For site security purposes and to ensure that service remains available to all users, the eiNetwork uses software programs to monitor network traffic to identify unauthorized attempts to upload or change information or otherwise cause damage. Except for these purposes, no other attempts are made to identify individual users or their usage habits.

### **Computer Use Records**

The eiNetwork's participating libraries offer computers for public access. Software is used to manage the high demand for these computers. Users enter their library card registration number (or barcode) to use a computer. While statistics about overall usage patterns are maintained in order to improve services offered, the activities of specific patrons are not retained. Patron log-in information is removed from the computer nightly.

Library patrons must keep in mind that public workstations are neither private nor secure and must use judgment and discretion when using a library computer. The eiNetwork assumes no liability for any violation of privacy of individual or any commercial or financial loss patrons who use library computers. Use of computers is subject to the eiNetwork Policy Statement on Computer and Internet Use.

### **Library Circulation Records**

Patron material is circulated via the Innovative system software. This circulation software tracks materials currently checked out and automatically erases a user's borrowing record once material is returned and all fines are paid. A link from the item to the borrower is maintained until either (1) the item is loaned to the next borrower, or (2) a reasonably short time period elapses.

Copies of the operating system, application software, and transaction records of the eiNetwork integrated library system are kept on backup tapes. This information is retained in the event that a catastrophic hardware or software failure would require restoration of software or data files. All of those data are purged through the eiNetwork's back up process.

### **The Catalog Search Records**

Searches of the collection using The Catalog, the on-line catalog, are conducted by using the library's automated circulation system. Information about saved searches is not available to the eiNetwork or library staff.

**Penn Hills Library adheres to and follows the privacy policy established by eiNetwork**

**Electronic database access**

To access databases – to which eiNetwork subscribes for the use of library users – remotely (from outside a participating library), users must enter their library card numbers to help ensure that the system is used only by Allegheny County residents. This information is not provided to database vendors, which are not able to obtain information relating to individual users of the database via eiNetwork.

The eiNetwork does not retain data relating to searches of other databases, such as newspaper, magazine, or encyclopedic databases, licensed by the eiNetwork.

**Email**

Users have the option of providing eiNetwork with an email address for the purpose of notifying the user about his or her library account. This information is not made available to any person outside eiNetwork for any reason or to any eiNetwork or library staff person for any reason other than such notification or as otherwise authorized in the Privacy Policy. Any user may request that we remove an email address from his or her record at any time; thereafter, future notifications will be made by telephone or U.S. mail.

The eiNetwork and participating libraries are not responsible for the privacy of email and other electronic communications that are sent or received from an eiNetwork computer via the Internet.

Use of computers and the email system by library employees is governed by each participating library, which may allow incidental use of those computers for personal purposes. However, the computers are the property of either the library or eiNetwork, and eiNetwork owns and manages the network to which they are connected. eiNetwork reserves the right to inspect the contents of any library employee's email account to investigate compliance with applicable laws, and eiNetwork or the library may, where appropriate, exercise its right to inspect computer hard drives to ensure compliance with applicable laws. Because eiNetwork respects the privacy rights of library computer users, it will only exercise this right to inspect contents of email or files where it has cause to believe that there has been a violation of law and with the concurrence of a participating library; when it has legally requested by law enforcement authorities; and when requested by a Library Director consistent with individual library policy.

**Internet Usage**

*General:* To improve the usefulness of the eiNetwork and participating library websites for visitors, anonymous statistical data are automatically collected from usage reports that concern network traffic flow and volume. No personal information is collected or maintained. No attempt is made to identify individual users unless we have cause to suspect illegal behavior or a violation of our Internet Use Guidelines.

**Penn Hills Library adheres to and follows the privacy policy established by eiNetwork**

*Forms:* The eiNetwork website and The Catalog contain several types of forms that may be used to contact us. The information entered into the form is solely for the internal purpose of responding to a user's inquiry or request. The form may be retained by us for the purpose of responding to the inquiry or request, but it is not maintained or made available for any other purpose and is not retained by us after we have responded.

*Links to Other Sites:* The eiNetwork and the participating member's websites contain links to other sites. The eiNetwork and the participating libraries are not responsible for the privacy practices of other sites, which may be different from the privacy practices described in this policy, and are not responsible for the confidentiality of any information provided to outside sites.