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ALA American Library Association

Office for Intellectual Freedom

March 2, 2023

Board of Trustees

OWWL Library System

2557 State Route 21

Canandaigua, NY 14424

To the members of the OWWL Library System Board of Trustees:

We understand that there have been questions about the applicability of OWWL's Systems Access and Confidentiality of Library Records Policy. The policy reiterates the legal obligations established in New York Consolidated Laws, Civil Practice Law and Rules - CVP § 4509, and puts in place policies and procedures in compliance with that law that ensure system staff protect the personal information of library users. Those who crafted and ratified it clearly recognize that maintaining patron privacy is essential to free inquiry.

The policy, as written, evidences the board's thoughtful and thorough commitment to handling library users' data in an ethical and responsible fashion. As an example, I would highlight the policy's provision that patrons' personally identifiable information (PII) "should never be exported from any [of] the System Information Systems for the purpose of being shared with or uploaded to any third-party or third-party services," including "Friends groups and foundations." This is in keeping with the principles laid out in [Privacy: An Interpretation of the Library Bill of Rights](#), which states "libraries should never share users' personally identifiable information with third parties or vendors that provide resources and library services, unless the library obtains explicit permission from the user or if required by law or existing contract."

The policy further provides that "any use of patron PII accessed from the System Information System beyond providing library services must be a use to which a patron has explicitly consented to and opted-in." This stance is also supported by [Privacy: An Interpretation of the Library Bill of Rights](#), which affirms that "Users should have the choice to opt-in to any data collection that is not essential to library operations and the opportunity to opt-out again at any future time." We applaud you for adopting a policy that recognizes that any use of a library users' information that is not operationally essential, including for purposes of marketing or fundraising,

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should conform to federal, state, and local laws as well as professional ethics. Any other utilization of library user data should be opt-in with the option to opt-out later at any time.

Public libraries are welcoming and inclusive institutions that must serve everyone in the community. Subjecting patrons' library usage to undue scrutiny impedes and chills the freedom to read and would undermine that patron's trust in the library system. This is particularly so for those who are members of marginalized communities. Moreover, utilizing a patron's data without their explicit consent in any fashion that isn't essential for the operation of the library threatens this essential freedom as well as the user's privacy. This includes transmitting a patron's data to third-parties without their express permission or a legal or contractual obligation to do so.

We encourage you to uphold and reaffirm the OWWL Library System's strong policies supporting patron privacy and to embed these principles in procedures and practices throughout the system.

Sincerely,

A handwritten signature in black ink, reading "Deborah Caldwell Stone". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Deborah Caldwell Stone
Director, Office for Intellectual Freedom
American Library Association