

Legal Issues
at
East Hartford Public Library

Karina V. Kaczynski
LIS 258: Museum Informatics
April 23, 2019

Dr. Christine Angel

Link to the source:

<https://www.easthartfordct.gov/ethics-board>

<https://www.easthartfordct.gov/home/pages/town-of-east-hartford-web-site-privacy-policy>

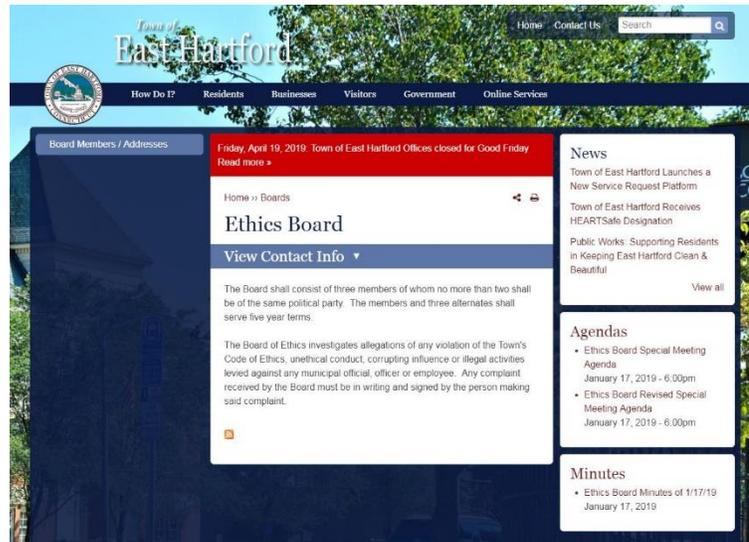
Privacy and Data Collection:

There are several federal and state laws regarding website privacy and data collection. For example, Connecticut General Statutes § 42-470 regulates the use and retention of Social Security numbers; but this is a data point that a library would never keep. The Health Insurance Portability and Accountability Act (“HIPAA”) similarly regulates consumer information, but only in the healthcare context. Even the Children’s Online Privacy Protection Act (“COPPA”), 15 USC § 6501 *et seq.*, which regulates the collection of information from children, explicitly does not apply to non-profit institutions such as libraries. 15 USC § 6501(2)(B). Few of these laws would apply to libraries.

Even though these privacy laws largely do not apply to libraries, libraries should have a comprehensive privacy policy out of respect for their patron’s privacy interests. As the American Library Association noted, “A well-defined privacy policy communicates the library’s commitment to protecting users’ personally identifiable information, tells library users how their information is used, and explains under what circumstances personally identifiable information might be disclosed to third parties.” (Magi, *et al.*, 2015).

It was difficult to locate the Privacy Policy or Ethics Policy for the East Hartford Public Library. The Library Director’s response to my inquiry was less than helpful: “there is no Privacy Policy or Ethics policy in place that deals directly with the Library, we are covered through the Town, but I’m unsure of which department or board.”

The Ethics Board for the Town ultimately contained the posted privacy policy. This was not written specifically for the library, but was designed to encompass the Town, the officers, and other town officials and employees.

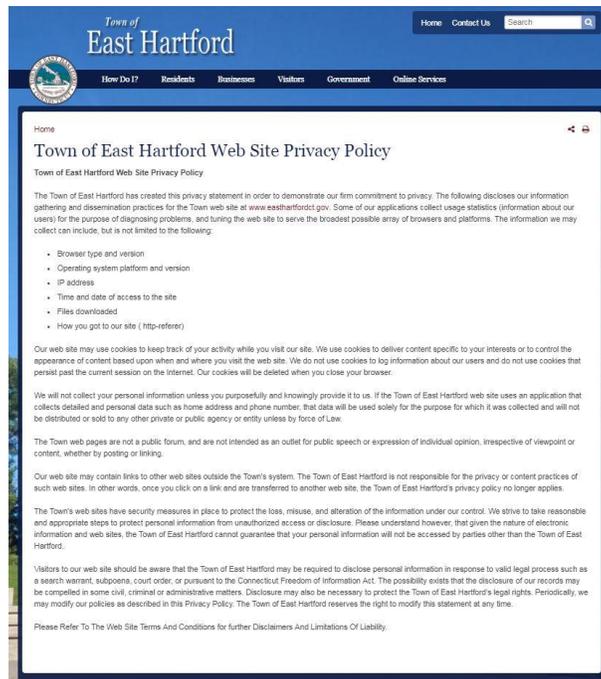


The privacy policy makes several important disclosures. “The Town web pages are not a public forum and are not intended as an outlet for public speech or expression of individual opinion, irrespective of viewpoint or content, whether by posting or linking” (Website Disclaimer, 2019). This addresses the commonly held, but factually incorrect, viewpoint that towns must provide public forums for residence to express any and all opinions that they have.

The privacy policy makes it clear that town websites may link to outside sites that are not encompassed by this policy. “Our web site may contain links to other web sites outside the Town's system. The Town of East Hartford is not responsible for the privacy or content practices of such web sites. In other words, once you click on a link and are transferred to another web site, the Town of East Hartford’s privacy policy no longer applies.” (Website Disclaimer, 2019).

Finally, the privacy policy correctly notes that records kept by the Town may be obtainable through the Connecticut Freedom of Information process. “Visitors to our web site should be aware that the Town of East Hartford may be required to disclose personal information

in response to valid legal process such as a search warrant, subpoena, court order, or pursuant to the Connecticut Freedom of Information Act.” (Website Disclaimer, 2019.)



While these disclosures may not necessarily be required by law, they are nevertheless a good idea. Libraries should regularly consult with the town attorney to determine if there are any new laws or regulations which might affect them. Laws change from time to time and consulting an appropriately-informed attorney is the only reliable way to track these changes.

References

- Angel, Christine M. *Information Policy & Ethics*. PPT. New York: St. John's University, April 20, 2019. Accessed April 20, 2019
- Magi, Trina J., Martin Garnar, and American Library Association. 2015. *Intellectual Freedom Manual*. Ninth Edition. Chicago: ALA Editions, An imprint of the American Library Association. Accessed April 20, 2019.
<http://www.ala.org/tools/challengesupport/privacypolicy>
- Town of East Hartford. *Ethics Board*. Town of East Hartford. 2019. Accessed April 20, 2019.
<https://www.easthartfordct.gov/ethics-board>.
- Town of East Hartford. *Town of East Hartford Web Site Privacy Policy*. Town of East Hartford. 2019. Accessed April 20, 2019.
<https://www.easthartfordct.gov/home/pages/town-of-east-hartford-web-site-privacy-policy>
- Zorich, D. (2008). *Information policy in museums*. In P. F. Marty & K. B. Jones (Eds.), *Museum informatics: People, information, and technology in museums* (Chapter 7, pp. 85-106). New York: Routledge. Accessed April 20, 2019
https://bbprod.stjohns.edu/bbcswbdav/pid-1815164-dt-content-rid-12210163_1/xid-12210163_1