

January 20, 2012

OPINION

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## New law provides 21st-century protections for library patrons

BY MARY MINOW

This past Christmas season it seemed like there was an electronic reading device under every tree. The New York Times predicted there would be 10 million of the so-called e-readers in use by the end of 2010. That means more and more books will be available digitally.

At California's public li-

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### GUEST COLUMN

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Online courses;  
Computer research; and  
Social media communica-  
tions

SB 445 ensures that all patron-use records are protected equally and can be disclosed only to appropriate parties that follow spe-

those requests and not judge them, but to make sure they are kept from prying eyes.

As a library law consultant, I was aware of how difficult it was becoming to fit today's online communication methods used by libraries and their patrons into the existing law. Library users don't expect their emails and texts to be part of the public record.

That's why, after attending one of Sen. Simitian's

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### *Library users don't expect their emails and texts to be part of the public record*

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braries, we see the growth of electronic book collections growing by leaps and bounds. And that, in turn, has repercussions for the millions of library users who put their faith in libraries to protect their privacy.

Laws protecting people from having the titles of hardcover and paperback books they check out—as well as other written circulation records—being given out without their permission have been on the books for years. But records of electronic content have not been protected. In fact, all the amazing—and amazingly rapid—changes in the digital world have left an entire piece of an individual's interaction with the library unprotected.

That changed Jan. 1, thanks to a new law authored by state Sen. Joe Simitian (D-Palo Alto) that provides 21st-century privacy protections for California library patrons. SB 445, signed by Gov. Jerry Brown in July, provides privacy protection for such items as:

Email or text-based communications with a librarian or library staff;

cific procedures.

These important protections are coming not a moment too soon.

On a typical day, California library websites are accessed more than 1 million times, nearly 170,000 people use library computers and librarians respond to thousands of questions that are submitted by email, instant messaging and text messaging.

All kinds of subject inquiries are taking place through methods that leave tracks, unlike face-to-face conversations. And, clearly, the numbers are going to keep growing. Libraries are trying to go where modern users are, using modern technology to do so.

For example, many libraries have Facebook pages. The Facebook pages are public, but there also are ways to use them to send personal messages privately.

Often, library patrons are searching for information on sensitive topics, such as divorce or sexual abuse or a medical condition. People trust their libraries and librarians with their information needs, not only to respect

town hall meetings, I decided to enter his annual "There Oughta Be a Law" contest, and I proposed updating library privacy laws. I'm delighted that my entry was chosen, and it gives me new enthusiasm about the democratic process. The new law improves confidentiality for library users in the digital environment, even when partnering with third-party services such as Amazon or Facebook.

It is fundamental to our freedom that people have the opportunity to read and seek out information with confidentiality. If you fear that the government or a law enforcement agency (or even telemarketers or political groups) are looking over your shoulder, you may engage in self-censorship in your reading choices.

California has been on the leading edge of privacy legislation for decades. Sen. Simitian's library privacy protection is going to help keep us there.

*Mary Minow is a library law consultant who lives in Cupertino.*

# VENTURA COUNTY STAR

July 24, 2011

## Law shields library patrons

### ■ Full privacy afforded with new legislation

By **Richard Chang**  
Special to The Star

With the enactment of stricter privacy regulations for library patrons in California, you need not worry about Googling “how to divorce your spouse” at the local library. Before the new law, your spouse could request and possibly obtain all your Internet records from the library.

Written by Sen. Joe Simitian, D-Palo Alto, the law was suggested by one of Simitian’s constituents through his annual There Oughta Be A Law contest. Cupertino resident and library law consultant Mary Minow proposed the law after hearing about an event in Florida.

“In Florida, marketers and politicians were re-

questing email addresses from libraries,” said Minow. “This was an awakening to me that we needed to update our laws in California.”

Original library privacy laws date back to well before the advent of the Internet. They focused almost exclusively on registration and book circulation records.

“In the 21st century it’s not your grandma’s library anymore; it’s a hub of online activity,” said Simitian.

A library is now more than just a place to check out books. Computer terminals dominate the floor where bookshelves once stood. Online classes are now replacing the traditional summer reading programs. In this digital environment, patrons’ privacy rights were not always protected.

With the new types of interaction and activity between libraries and their

### LAW from 1B

patrons, there was no updated code or privacy law to reflect that. Each library had its own privacy regulations with the level of privacy afforded to patrons up to the discretion of the library.

With Gov. Jerry Brown signing Simitian’s bill into law this month, there is now a uniform across-the-board approach providing full privacy to California library patrons.

Although there were some concerns in the Legislature that the bill would diminish the ability of law enforcement to retrieve library records, the measure was amended to ensure law enforcement would have continued access to all records under legitimate circumstances, such as a court order. Law enforcement will still need

a search warrant to obtain library records.

The new legislation is unlikely to affect the Ventura County Library System, because strict privacy practices already are in place there, said director Jackie Griffin.

“We have always been extremely careful on patron privacy,” Griffin said. “We don’t release anything without a court order.”

The same set of standards will be in effect across the state beginning Jan. 1, when the law takes effect.

“We’ve entered into a new era of library technology, and now we have a new law that reflects the needs of that new era,” Simitian said.

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