



# USA PATRIOT Act and Libraries

## Ethical Concerns and Policy Implications

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# Interviews/Stakeholders



- 4 academic librarians
- 2 public librarians
- University attorney
- ALA Office of Government Relations
- ALA Office of Intellectual Freedom
- ALA Past President
- ACLU – MI attorney
- FBI Press Officer (DC)
- 2 library patrons

# Background

- **USA PATRIOT Act (P.L. 107-56)**  
Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001
- Enacted October 26, 2001
- Amended more than 15 federal statutes



## Section 215

### Access to Records Under Foreign Intelligence Security Act (FISA)

- Redefines business records to include library records
- Allows an FBI agent to obtain a search warrant for “any tangible thing”
- Still must have court order, but lowers the standard of proof
- “Gag” rule



## Conflict Between Ethical Codes

- Librarian Code of Ethics
  - freedom to read
  - intellectual freedom
  - protection of patron privacy and confidentiality
  
- Law Enforcement Code of Ethics
  - safety and security of country
  - thwart future terrorist attacks
  - library logical target for surveillance



# Ethical Principles: Recommendations

## Minimize Harm

- Record Retention & Privacy Policies
  - only collect necessary information
  - destroy personally identifiable information when it is no longer necessary for business purposes
  - know policies of outside vendors

*“Maybe the one silver lining of Patriot is that it will force libraries to look at their record retention policies.”*



# Ethical Principles: Recommendations

## Minimize Harm

- Don't create additional ways to chill freedom of thought

Warning: although Santa Cruz public library makes every effort to protect your privacy, under the federal USA Patriot Act records of books you obtain from this library may be obtained by federal agents. Questions about this policy should be directed to Attorney General John Ashcroft.



# Ethical Principles: Recommendations

## Minimize Harm

- Training
  - what to do in case of a search
  - training in the privacy and record retention policies

*“Our problem isn’t only that law enforcement is looking at patron information. We have a problem with staff looking into patrons’ reading and searching habits if those people seem ‘suspicious’.”*





Questions?