

Information Ethics Case:

**To Prevent A Suicide**

By Brian Baker, Carrie Beach, Angela Igo, Joshua Johnson, Kellie Johnson

Master of Library Science Students

School of Library and Information Management

Emporia State University

**Library Privacy and Policy**

According to the Utah State Library site:

GRAMA (Utah Code - Title 63G – Chapter 2 - Government Records Access and Management Act) protects the privacy rights of library patrons. The law restricts public access to "records of publicly funded libraries that when examined alone or with other records identify a patron" (Section 63G-2-302-1c). GRAMA permits some sharing of private, controlled or protected records among government entities, but states very clearly that the records of publicly funded libraries "may not be shared under this section" (Section 63G-2-206-8b). Libraries should correctly require a court order or subpoena before disclosing any information about patron records and should immediately contact their local attorney for guidance.

At the Highland Library Internet computers are monitored by a system that reads patrons library card barcodes. The program tracks patrons, monitors what computer they used, time and date, the amount of time and what sites were visited. This information is a part of a patron's library account.

**Dilemma**

Tim is studying to be a social worker in Texas. As part of an assignment he has logged on to a chat room that hosts individuals who may be considering suicide. Tim has struck up a friendship with a particular person who he believes to be a minor. The teenager has been having trouble at school and believes that there is no hope.

Tim believes that he is having some success at convincing the teenager against the option of suicide. Through conversations he finds out that the teenager's name is Austin Smith and he is conversing Online from the library in Highland, Utah. Everything appears to be going smoothly until one day the teenager seems very upset. He states that he is tired of all the harassment and is going to end it all that night.

Tim is very worried and believes Austin will commit suicide and tries to call the library in Utah about the situation. He explains to the person on the phone the situation and requests a phone number for Austin Smith. Rick, the library assistant, tells Tim that he cannot release any information on a patron according to privacy laws. He advises Tim to contact the police.

Tim contacts the police about the situation. Because Austin is a minor and the last name of Smith is common they are unable to determine who the teenager is or obtain information pertaining to his address. The police, who are located across from the library, decide to go to the library to see if they can obtain the information from anyone there.

At the library Rick is concerned by the call, but is unsure if it is valid or just someone playing a prank, besides he is the only one on duty tonight and does not have the time for pranks. He is very aware that Utah privacy policy states that he can only give out patron information under certain circumstances. Rick believes that if the situation is valid, the person will contact the police and they will deal with it. Minutes later the police come to the circulation desk at the library and ask about information on a minor, Austin Smith.

Rick tells the police that he cannot give them the information they need due to privacy laws and that they need a subpoena in order to get that information. It is the evening and the police do not want to spend needless time in tracking down a judge for a subpoena when all they need is an address. Knowing that the situation may be perilous, Rick tries to contact the Library Director and is unable to reach him at home while the Assistant Librarian is out of town and not answering any calls either. Rick is unaware of his ability to contact the city attorney in this matter let alone his phone number.

Rick looks up Austin Smith's patron account and finds out that he is minor and was on the computers that very afternoon. He decides to give the information to the police in the best interests of the teenager. The police locate Austin's home and discuss the situation with his parents. Austin Smith begins to receive counseling for depression.

As a result Austin is quite upset with Tim and tells him that he will make a lousy social worker, calls him a pervert and tells him he does not want to ever chat with him again. Austin is also upset that the library was responsible for tracking him down via the library computers. He decides to use the Internet at a friend's house and rarely visits the library in the future.

### **Case Study Questions**

- 1) According to Utah state law library records are considered private. Austin has a legal right to expect his information to remain private. Is Tim's "feeling" more important than Austin's privacy?
- 2) How far does Rick's personal obligation of conscience extend into the decisions he makes on behalf of the library?

- 3) To what degree is any party indemnified because of legal or procedural delays, (the unavailability of Rick's Director on the one hand, and the time it takes to get a warrant on the other)?
- 4) Are the police officers representing themselves fairly by requiring Rick to provide information that they cannot legally obtain without a warrant?
- 5) What are Rick's personal and/or professional liabilities, Library's organizational liabilities, or the police officer's personal and/or professional liabilities in this scenario?

### **References**

Severson, R. J. (1997). *The Principles of Information Ethics*. Armonk, New York: M. E. Sharpe, Inc.

Utah State Library (2010). *Utah public library trustee manual: Internet services and privacy*.

Retrieved from <http://library.utah.gov/services/trustees/manual/internet.html>