

**The Case of the Distraught Mother:
The Conflict between Confidentiality and Civic Duty**

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In an ethical scenario, a young librarian, Patricia Keenan, is presented with a tricky problem—a distraught mother comes to the library claiming to have evidence that her daughter has a relationship with an older man who she encountered on the Internet. Stating that her daughter could be in grave danger, the mother is asking about her daughter's movements or any other information that may help. The dilemma of Ms. Keenan is whether or not she should reveal the information she has on her patron, a 16 year old girl, and thereby perhaps help the mother to extricate her daughter from a possibly dangerous relationship. Revealing information on patrons violates the third paragraph of the Code of Ethics of the American Library Association (ALA), and there is also the question of a minor's rights as defined in the updated interpretation of the Library Bill of Rights (ALA, 1995; ALA, 2004). However, in my opinion, none of these codes apply to the ethical scenario at hand.

Sometimes there are situations in which librarians need to choose between their responsibilities as librarians and their civic responsibilities. Fay Zipkowitz (1996), in her book *Professional Ethics in Librarianship* (p. 61-62), presents a situation that at first glance resembles the ethical scenario of Ms. Keenan. A policeman comes in the library and informs the librarian that a crime is in progress, the lives of women and children are in danger, and the perpetrator of the crime is known to frequent this library. The librarian on duty indeed knows the person as an obnoxious and unpleasant patron. The policeman pleads for information about the patron, including his home address. If librarian gives any or all the information policemen requested, it will violate every librarian rule and ethical code. On the other hand, if she withheld the information she could seriously impede resolving the dangerous situation where the lives of other people are at stake. Zipkowitz points out that "the librarian must determine where the line is between professional and civic responsibility, and whether to cross it" (p.62). When two values, equally important and "ethical" collide and require a solution, we often need to make a choice between "the least ethically bad option" (p.42).

In the ethical scenario of the distraught mother, Ms. Keenan seems to be presented with the same conflict between her librarian and civic self. The youngster is perhaps in danger and she was

asked for information that could prevent the harm. However, none of the questions or information asked are in any way associated with the library or Ms. Keenan's position as librarian.

- The mother did not ask for any personal information in possession of the library. Therefore there are no conflicts with the library code of confidentiality as defined in ALA privacy interpretation of the Library Bill of Rights where it is stated that "confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf." (ALA, 2002; Introduction)
- The mother did not ask for reading or borrowing information of her child, which is confidential as well under the third paragraph of the ALA Code of Ethics. The wish to be informed on something does not mean you are doing or intend to do something in that direction. In this case it would be especially important not to reveal any information on reading patterns because, people, especially distraught mothers, might reach all sorts of conclusions based on such raw data.
- The mother did find out about the alleged relationship from her own home computer by reading her daughter's e-mails. As objectionable as this is, it is within her rights and, in any case, not the concern of the library. There is no question of the girl, Shantay, carrying on her relationship using the library computer and exposing the library to legal challenges under the Children's Internet Protection Act (CIPA). If the mother starts inquiring on that subject and ask to see the records, she should be denied that information based on the third paragraph of the ALA Code of Ethics. We may suggest the official channels for acquiring that information, namely a court subpoena, which would evaluate probable cause for breaking the rules on privacy (ALA, 1988). Neither the mother nor the present librarian could decide on that issue on the spot.
- The meeting of the girl with the "older man" did not occur in the library, as far as we know from the scenario. All rights to meetings in public forums as discussed by Jaeger and McClure (2004) do not apply in this scenario. Besides, Ms. Keenan has no information

regarding the alleged meetings, but only that the girl changed her pattern and that she was leaving earlier than usual. It could be argued that this information was acquired by Ms. Keenan due to her position as a librarian, but I would disagree. The fact is that she has eyes and that she made the observations based on her previous knowledge of the girl. However, that knowledge was not exclusive to her being a librarian. There is nothing in this information that would arise from her privileged access associated with her position as a librarian. However, it would probably be wise to find out how much the mother really knows and how much is inference, before giving her even this information.

- The situation where Ms. Keenan saw Shantay entering the car of an "older" man occurred outside the library. This information, which may or may not be important, she acquired as a private citizen walking down the street.

Should she divulge information which is rather out of the context and would probably add to the distress of the mother? This is an interesting question, but it is outside the scope of ethics for the library profession. The issues that Ms. Keenan has are all related to her civic responsibility of one human towards another. Is there any evidence that the child is in immediate and physical danger? If so, then we all—librarians as well as other citizens—are responsible to do all that is in our power to prevent the harm. In the case of Ms. Keenan, it would probably be best to call the police and follow their advice. Otherwise, the best help to the mother would be to provide her with the information and maybe assistance to contact local or state agencies that deal with situations like this. With doing so, Ms. Keenan would do everything possible to help her fellow citizen, without coming in conflict with any of the ethical codes that she promised to uphold as a librarian.

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