

**Effective Date:** April 2005

### **Library Records, Confidentiality and Request Policy**

The Seymour Library recognizes its responsibility and respects the privacy of its patrons. To this end, all library records relating to patrons use of the Library and its resources are considered confidential. This policy is meant to protect the privacy of library users while complying with the Constitution of the United States of America, federal statutes, and the Code of New York (Civil Practice Law & Rules Section 4509).

CPL&R §4509. Library records. Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Confidentiality extends to information sought or received, and/or materials consulted, borrowed or acquired. This includes such records as database search records, Internet use history, reference interviews, circulation records, interlibrary loan records and other personally identifiable records of the use of library materials, facilities and services. Personally identifiable records are those that include any information that could reasonably be used to identify a user, including a name, address, e-mail address, birth date, or any combination of information that could be used to identify a user.

**Library staff shall not release the name of a person to whom a book is charged, past circulation records (including interlibrary loan and audio-visual materials), personal information contained in circulation patron records, or otherwise identify users of any library services, including users of computer terminals on the library premises. Library records may, however, be consulted and used by library staff in the course of conducting library operations, and may be disclosed pursuant to the requirements of Federal, state and local laws, including law enforcement subpoenas, court orders or search warrants.**

The Library supports the efforts of our country to preserve and protect the security of our nation. Furthermore, the Library recognizes its position of special trust with members of the public.

The Library Director/Designee is responsible for handling all law enforcement requests.

Library staff should understand that it is lawful to refer a law enforcement agent to the Library Director/Designee and that their response should be based on the nature of the visit, request &/or documentation provided (see below).

### Request for Library Records, General Procedure

- Important Definitions:
  - **Law Enforcement Agent** An employee of a local law enforcement agency who is an officer sworn to carry out law enforcement duties (i.e. police, sheriff, FBI).
  - **Search Warrant** A written order issued by a judge that directs a law enforcement officer to search a specific area for a particular piece of evidence.
    - A search warrant allows a law enforcement office to take any information/material/computers immediately.
  - **Subpoena or Court Order** A legal decision/document, made by a court, which commands an individual to produce materials or testify in court.
    - A subpoena requires requested materials/information be provided to the court at a certain future time. This allows the recipient to call legal counsel and have the subpoena/court order reviewed &/or challenged, if appropriate.
- When an individual requests information relating to circulation or other records identifying the names of library users, past circulation records (including interlibrary loan and audio-visual materials), personal information contained in circulation patron records, or otherwise attempts to identify users of any library services, including users of computer terminals on the library premises, the staff member should inform the individual that according to the Library Records, Confidentiality and Request policy this information cannot be provided
- If he/she has further questions, he/she should be directed to the Library Director/designee
- If he/she is a law enforcement officer, staff shall follow the procedures found below
- Library staff should gather records identified in the warrant and present them to the agent rather than allowing non-library personnel to go through library records/databases
- Library staff shall monitor and track all costs associated with fulfilling the subpoena, court order or search warrant
- If any material or equipment is taken in the course of the search warrant, an itemized receipt must be provided
- Make a copy of the search warrant or subpoena, as well as agent identification, if possible

### Request for Library Records, Subpoena or Court Order Procedure

- Staff shall contact the Director/Designee immediately
- The Director/designee shall contact Board President immediately
- Subpoenas or court orders **do not** have to be responded to immediately, so turn nothing over until legal counsel advises us to do so

**Request for Library Records, Search Warrant Procedure**

- Staff shall contact the Director/designee immediately
- The Director/designee shall contact the Board President immediately
- Search warrants are executable immediately

**Request for Library Records, Search Warrant Issued Under Foreign Intelligence Surveillance Act (FISA) –USA Patriot Act amendment– Procedure**

- A search warrant issued by a FISA court also contains a nondisclosure provision or “**gag order**”—this means no person or institution served with such warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant
- Information cannot be disclosed to any other party, including the Director, if they are not present at the time the warrant is served, or the patron whose records are the subject of the search warrant
- Strict confidentiality should be observed—failure to do so is a violation of Federal Law
- Search warrants are executable immediately

**Adopted:** April 2005

**Revised:** March 2019

**Reviewed:**