

## **Policy on Confidentiality of Library Records**

Public Libraries are committed to protecting the borrowing information of patrons, and their right to access information that is controversial, sensitive or personal, without fear of embarrassment or humiliation.

- 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. [NY CPLR Section 4509]
- Under New York State Law, if you are signing for a library card for someone under 18, the library is, under the above law, prohibited from revealing that minor's borrowed materials to you.
- USA PATRIOT ACT still requires the presentation of a subpoena for access to your records.
- Your Patron Information. The information in your patron record is the property of the library that is listed as your home library. While other libraries have access to that data, no other library can use that data for anything other than library transactions. Your home library can use the data for library mailings. If the library has a Friends group, they can allow the group to also use the patron data, but information will not be given to any other organization. If you do not wish to have the Friends group to have your name, address, email and telephone, notify the library and you will be removed from that list.
- Your borrowing history. As soon as you return an item within the due date, the link to that item is deleted from your patron record. However the software retains in the item's record, the library card number of last person who took it out and the name of the current borrower of the item.

## **Procedures for Implementing "Policy on Confidentiality of Library Records"**

- The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users must immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
- The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
- If the process, order, or subpoena is not in proper form or if good cause has not been shown, the library should insist that such defects be cured before any records are released.
- The legal process requiring the production of circulation or other library records is ordinarily in the form of a subpoena *duces tecum* (bring your records) requiring the responsible library officer to attend court or to provide testimony at his or her deposition. It also may require him or her to bring along certain designated circulation or other specified records.
- Staff should be trained and required to report any threats or unauthorized demands (e.g., those not supported by a process, order, or subpoena) concerning circulation and other records to the appropriate officer of the institution.
- Any problems relating to the privacy of circulation and other records identifying the names of library users that are not provided for above shall be referred to the responsible officer.