

POLICY ON REQUESTS FOR PATRON LIBRARY RECORDS

WHEREAS, the Nanuet Public Library recognizes that on occasion public libraries receive and are served with subpoenas and other warrants, writs, processes or orders of Federal or State courts or administrative agencies; and

WHEREAS, the State of New York has enacted legislation, to wit: New York Consolidated Laws, Civil Practice Laws and Rules, Section 4509, which establishes that certain library records, including user names or personally identifying details as set forth in that statute, should remain confidential and should not be disclosed except to the extent necessary for proper library operations or upon request or consent of the library patron or pursuant to subpoena, court order or where otherwise required by law; and

WHEREAS, the Federal government has recently enacted the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act” (“USA PATRIOT ACT”) which expands the powers of federal law enforcement agencies investing cases involving foreign intelligence and international terrorism; and

WHEREAS, the Nanuet Public Library recognizes the important and essential legislative foundations for the passage of the USA PATRIOT ACT and the need for our Federal and State authorities to investigate and eliminate terrorism; and

WHEREAS, the Nanuet Public Library also recognizes the important and essential constitutional and statutory foundations for the privacy rights of library patrons under the United States Constitution and the Constitution of the State of New York, including especially the First Amendment and Fourth Amendments to the U.S. Constitution; and

WHEREAS, the Nanuet Public Library has determined that the review, analysis and evaluation of requests for release of names or other personal identifying information and records and the review, analysis, and evaluation of subpoenas, court orders, search warrants, writs, or other process as issued by any Federal or State court or administrative agency often requires the application of legal principles which should be accomplished by the Library Director, or the designee of the Library Director, who shall act to the extent deemed necessary in consultation with legal counsel to the library;

NOW THEREFORE, BE IT RESOLVED that no information which consists of the name or other personal identifying details, materials or records including any personal records of usage of any individual library patron shall be released on the basis of any written (signed by a patron or other third parties) or verbal request; unless the release of those records or materials is approved in writing in advance by the Library Director, or the designee of the Library Director, who shall act at all times to the extent deemed necessary in consultation with legal counsel to the library and the Library Director, or the designee of the Library Director, is authorized to take such action (including court proceeding or litigation) as deemed necessary to protect the interests of the Nanuet Public Library and the individual library patrons of the Nanuet Public Library concerning such matters and the Library Director is authorized to establish administrative procedures to effectuate this policy. Any member of the staff of the Nanuet Public Library presented with a subpoena or other warrant, writ, process or order of Federal or State courts or administrative agencies shall immediately refer to the Nanuet Public Library’s procedures as specified in *Law Enforcement Inquiries: Guidelines for Nanuet Public Library Staff*, which are consistent with this policy.

NANUET PUBLIC LIBRARY BOARD OF TRUSTEES, RESOLUTION, JULY 22, 2003