

## **POLICY ON CONFIDENTIALITY OF RECORDS**

The Liberty Public Library supports and complies with New York State Law (New York State Civil Practice Law & Rules 4508, Chapter 112, Laws of 1988) with respect to the confidentiality of library records. All library records relating to an individual patron's use of the library and its resources are confidential. These records may be consulted and used by library staff in the course of carrying out library operations, but will not be disclosed to others except upon the request or consent of the library user, or pursuant to subpoena, court order, or otherwise required by law. Such disclosure may be made only by Library Director in consultation with the Board of Trustees and their counsel.

### **New York State Civil Practice Law & Rules 4508, Chapter 112, Laws of 1988**

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 relating 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 the 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 POLICY**

The Liberty Public Library provides open and equal access to materials and information. A Library patron's First Amendment rights to guaranteed freedom of speech, extend to a corresponding right to hear what is spoken and read what is written free from fear of intrusion, intimidation or reprisal. New York State Statute s4509 also insures this freedom. Liberty Public Library also ascribes to the American Library Association's Code of Ethics, point #3, which states, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed or acquired." Only by strictly adhering to the following policy, can the confidentiality of patron records, information, and behavior be preserved to the fullest extent permitted by law.

In the event that staff are approached to divulge confidential information, the following steps will be taken:

- I. Record name; address, telephone number, and any other appropriate information available on the inquirer.
- II. Report the incident immediately to the Library Director. Under no circumstances will staff divulge any confidential information regarding or including;
  - a. Patron's name, address, telephone number
  - b. Library card holding status
  - c. General information regarding a patron's library habits including but not restricted to, number of visits, time of visits, number or type of questions asked, Internet usage, etc.

#### **Action taken by the Library Director:**

All requests and orders will be reviewed in a timely manner. If necessary, the Director will consult with an attorney and respond in appropriate manner. All requests for the release or disclosure of

Information will be denied unless the Director has received the named patron's written consent for release. (See request form below).

### **Court Order Release of Library Records:**

The Library Director shall comply fully with a court order to release or disclose library records or information. Upon receipt of any process, order or subpoena, the person named and/or served shall immediately report to and consult with the Library Director, Library Board of Trustees and legal counsel to determine if such process, order or subpoena is proper and in full compliance with proper legal authority. If there is a reasonable basis to believe that such records are necessary to the progress of an investigation or prosecution, the American judicial system provides the mechanism for seeking the release of such confidential records. The issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction, will be the only basis on which confidential information will be released.

Adopted by the  
Board of Trustees  
Sept. 23, 2003