

# XIV.

# CONFIDENTIALITY POLICY

DATE APPROVED – 8/9/2016  
REVIEWED – 8/9/2016, 6/10/2019  
REVISED –

A. The Wellman-Scofield Public Library supports the LIBRARY BILL OF RIGHTS as adopted by the American Library Association Council January 23, 1996, and the FREEDOM TO READ statement as adopted by the ALA Council and the AAP Freedom to Read Committee, June 30, 2004, both of which are included and intended to be a part of this policy statement.

B. Confidentiality of library records is central to intellectual freedom and directly related to the ability of citizens to use library materials and pursue information without fear of intimidation. The purpose of this policy is to explain how the Wellman-Scofield Public Library will respond to requests for information about library users.

1. Library circulation records and other records identifying specific users are confidential in nature. Confidentiality extends to information sought or received, materials consulted, borrowed, or acquired including Internet and electronic resource search records, reference interviewed and transactions, interlibrary loan records, and other personally identifiable uses of library materials or services. However, persons attending library programs or public meetings may be videotaped or photographed as audience members.
2. The lawful custodian of the records is the Library Director. Only the Library Director and authorized library staff shall have access to patron records without the consent of a library cardholder.
3. Possession of a valid library card (or card number in a phone or email request) shall be interpreted as consent to use it unless the card has been reported lost or stolen, or there is reason to believe that consent has not been given.
4. The library will release information to the parent or guardian of a minor child for the purpose of recovering overdue materials and settling accounts for lost, late or damaged material, and for other matters related to the recovery of material or charges incurred by minor children for which a parent or guardian may be considered liable. However, information will not be provided to the parent or guardian who is merely attempting to determine what library materials a minor child is using.
5. The library staff will not reveal library circulation records and other records identifying specific users unless required by law.
6. Circumstances which may require the library to release the information include the following:

# XIV.

# CONFIDENTIALITY POLICY

- a. Requests made in accord with the USA Patriot Act
  - i. A law enforcement official presents a valid legal subpoena seeking the information pursuant to an investigation of a particular person or organization suspected of committing a crime
  - ii. The library receives a Warrant for the information issued under the USA Patriot Act (which includes amendments to the Foreign Intelligence Surveillance Act and the Electronic Communications Privacy Act).
  - iii. The library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.
  - iv. The library receives a valid court order requiring the library to release registration, circulation or other records protected under the Iowa Code and the information is not sought in conjunction with a criminal or juvenile justice investigation.

7. The following notice shall be posted in the library to make people aware of the provisions of the USA Patriot Act and how the act may potentially affect people who use the library resources:

**ATTENTION:** Under Section 215 of the USA PATRIOT ACT (Public Law 107-56), records of all books and materials you borrow from this library, and of Internet sites you visit on library computers, may be obtained by federal agents. This law prohibits the library staff from informing you if federal agents have obtained records.

## **Procedures**

1. The library staff member receiving a request to examine or obtain information relating to registration records or circulation records or other records identifying the names of library users, shall immediately refer the request to the Library Director without discussing with the person making the request what user information may or may not be available, or what the library can or cannot do.
2. If the Library Director is not available the staff member shall inform the requestor when the Director will be available and request a delay until the Director will be available. If pressed to act sooner, the staff member shall attempt to contact the Director immediately. If the Director cannot be reached, the highest ranking person on duty is responsible for enforcing the library's confidentiality policy until the Library Director can be contacted.
3. The Library Director shall take personal responsibility for handling the request as soon as possible. If the request is from a law enforcement officer the officer must have a subpoena, a court order, a warrant issued under the USA Patriot Act, or a National Security Letter (NSL) issued under the USA Patriot Act to receive the requested records. If the officer does not have a proper subpoena, court order, warrant, or NSL compelling the production of records, the Library Director shall refuse to provide the information requested.

# XIV.

# CONFIDENTIALITY POLICY

4. If the request is made pursuant to the USA Patriot Act, the Library Director may not discuss the request with anyone other than legal counsel as required by the Act. In order to protect the library and its patrons in this circumstance, the Director is authorized to obtain legal counsel regarding the request.

5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the Director.

## References

The confidentiality policy of the Wellman-Scofield Public Library is based on the First and Fourth Amendments of the U.S. Constitution, the Iowa Code, and professional ethics.

First Amendment: "Congress shall make no law...abridging the freedom of speech..."

Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Code of Iowa 22.7 "Examination of Public Records (Open Records)"

"22.7 confidential records. The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information...: The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination."

Code of Ethics of the American Library Association:

Professional Ethics: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." (Source: Code of Ethics of the American Library Association)