

## Norwalk Easter Public Library

Subject: Confidentiality of Library Records

Section: Relationships, Rights & Responsibilities

### Board

Approved: December 2005

Revised: December 2019

Next Review: November 2022

## CONFIDENTIALITY OF LIBRARY RECORDS POLICY

### Purpose Statement:

The exercise of free speech, free thought, and free association is essential in a democratic and open society. In accordance, the Norwalk Easter Public Library advocates the rights of individuals to pursue open inquiry and is dedicated to protecting the privacy of customers and the confidentiality of library records.

### Guidelines:

- The library will hold confidential the names of cardholders and their registration information and will not provide access to the information for private, public or commercial use.
- The lawful custodian of the records is the Library Director
- The library will not release registration, circulation or other records protected under the Iowa Code unless it is required by law to release the information. Confidentiality extends to information sought or received and materials consulted, borrowed or acquired. Confidentiality includes database search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of library materials, facilities or services.
- Circumstances which may require the library to release the information include the following:
  - A criminal or juvenile justice agency is seeking the information in pursuant to an investigation of a particular person or organization suspected of committing a known crime AND the criminal or juvenile justice agency presents the Library Director with a court order demonstrating that there has been 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.

- 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).
- The library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.
- 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.
- The library may release information to the parent or guardian of a child under the age of 18 and/or a dependent adult (18 years of age or older) for the purpose of recovering overdue materials and settling accounts for lost, late, or damaged material. Information may also be released for other matters related to the recovery of material or charges incurred by minor children or dependent adults for which a parent or guardian may be considered liable.
- Information will not be provided to the parent or guardian who is merely attempting to determine what library materials a child or dependent adult is using.
- Linked library accounts will be permitted upon the request of customers. Each party must approve the accounts to be linked. By linking patron accounts, all parties are agreeing that account information may be shared, including fines/fees, titles of materials, history of account, and titles of reserved items. Patrons are also agreeing that a linked account holder may update contact information.
- The Library Director, as the lawful custodian of library records, is authorized to release records that are otherwise confidential if the purpose of such release is in accordance with the provisions of this policy and Iowa law.

**Procedures for Enforcement:**

- 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 requestor to the Library Director, the official custodian of the records. To prevent any misunderstanding, the staff member should avoid discussing

with the person making the request what user information may or may not be available, or what the library can or cannot do.

If the Library Director is not available, such as during evenings or weekends or away on business, inform the requestor when the Director will be available. If pressed to act sooner, contact the Director immediately whether the Director is away on business or at home. In the event the Director cannot be reached, the highest-ranking person on duty is responsible for working with the requestor.

- The Library Director shall meet with the requestor of the information. If the requestor is a law enforcement officer, the officer must have 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 court order, warrant, or NSL compelling the production of records, the Library Director shall refuse to provide the information. The Library Director may explain the confidentiality policy and the state's confidentiality law, and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the library.
- If the records requested cover registration, circulation or other records protected under the Iowa Code, and the Director is uncertain about whether the order, or subpoena presented is sufficient to require release of the records, the Library Director may immediately consult with legal counsel to determine if such process, order, or subpoena is sufficient to require release of the records.
- If any written request, process, order, or subpoena is not in proper form or does not otherwise appear to be sufficient to support releasing the records, the Library Director shall insist that such defects be cured before any records are released.
- If the Library Director, in consultation with library's attorney, determines that the order, warrant, or NSL, is sufficient and compels the release of the records, the Library Director shall release the records.
- If the request is made pursuant to the USA Patriot Act, the Library Director is authorized to obtain legal counsel regarding the request. As required by the USA Patriot Act, the Library Director may not discuss the request with anyone other than legal counsel.

- If the requestor is not a law enforcement officer and has not presented any type of court or administrative order requiring release of the requested information, the Library Director shall refuse to provide the requested records. The Library Director may explain the confidentiality policy and the state's confidentiality law.
- The Library Director is authorized to take legal action (such as moving to quash a subpoena) to resist releasing requested registration, circulation or other records protected under the Iowa Code if the Library Director and the library's legal counsel deems such action to be appropriate.
- Any threats or unauthorized demands (i.e. those not supported by a written request, process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Director.
- 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 Director.

### **Supporting Documents**

The library's commitment to preserving the privacy of users and the confidentiality of records is based on:

- First and Fourth Amendments, Constitution of the United States
- Chapter 22.7, Code of Iowa
- American Library Association's Code of Ethics
- American Library Association's Policy of Confidentiality of Library Records
- American Library Association's Policy Concerning Confidentiality of Personally Identifiable Information about Library Users.

Adopted by the Norwalk Easter Public Library Board of Trustees December 12, 2005

Revised February 16, 2009

Revised November 14, 2016

Revised December 9, 2019