

## **CONFIDENTIALITY OF LIBRARY RECORDS**

No member of the staff other than the Library Director or director's designee is authorized to respond to any form of judicial process or to provide any patron-specific or library-business information, in writing or in oral form, to a law enforcement officer or any other person.

The Babylon Public Library staff has access to certain administrative; computer use and circulation information of individual patrons. No individual data or transactions may be divulged to third parties except by court order.

### **New York Civil Practice Law and Rules Section 4509. Library Records:**

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 such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or when otherwise required by statute.

The Babylon Library adheres to the following guidelines concerning the disclosure of information about library users.

No information regarding or including the following will be divulged, except as provided for in this policy:

1. Patron's name
2. Patron's address
3. Patron's telephone number, fax number or email address
4. Library circulation records
5. Borrower's records
6. Number or character of questions asked by a patron.
7. Frequency or content of a patron's visits to the Library
8. Records and information related to a patron's computer and database searches, Inter-Library Loan transactions, reference inquiries, request for photocopies of library materials, titles on request, or the use of audio-visual materials, films, or records.
9. Any other information supplied to or gathered by the library.

In the event that a Babylon Public Library staff member is requested to provide patron information to any outside agency or individual the following procedures must be followed:

1. The staff member receiving the request to examine or obtain information relating to circulation, computer activity or any other records identifying the names of library users will immediately refer the person making the request to the Library Director, or director's designee in the Library Director's absence, who shall explain the institution's confidentiality policy.
2. The Library Director, upon receipt of a process, order, or subpoena, shall consult with legal counsel to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be corrected before any records are released. (The legal process requiring the production of circulation of other library records shall ordinarily be in the form of subpoena "*duces tecum*" {bring your records} requiring the responsible officer to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation of other specified records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation, computer or other records identifying the names of library users shall be reported to the Library Director immediately.
5. If the document is a search warrant that authorized immediate search and seizure, inform the officer that the Library Director and legal counsel will be contacted immediately and request the patience of the officer. (The officer may inform you that the warrant is "secret". This does not preclude notification of the Library Director and legal counsel.) If the officer declines to wait, carefully inspect the warrant and monitor the search. Be certain to retain a copy of the warrant and request an inventory of the materials in question. Offer the officer a copy of any data requested. At the conclusion of the search immediately make a written record of all events that have transpired.
6. In all circumstances, be polite and friendly. It is important that the matter not be treated as adversarial since it is the policy of the Babylon Public Library to cooperate fully with duly authorized law enforcement officials.
7. Problems relating to the privacy of circulation, computer or other records identifying the names of library users, which are not provided for above shall be referred to the Library Director.