

## **Confidentiality of Library Records**

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The exercise of free speech, free thought, and free association is essential in a democratic and open society. In accordance, the Library advocates for the right 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 not reveal the identities of individual users nor reveal the information sources or services they consult unless required by law. 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.
- The Library will hold confidential the names of cardholders and their registration information and not provide access for private, public, or commercial use beyond what is necessary for the collection of overdue materials/fees or other Library operations, programs, and services.
- 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. Circumstances which may require the Library to release the information include the following:
  - 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.

### **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 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 Library 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 not 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 to the Library director 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 or the director in consultation with the 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.

Adopted by the Urbandale Public Library Board of Trustees, May 21, 2012

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