

CONFIDENTIALITY OF LIBRARY RECORDS

New York State Civil Practice Law & Rules 4509, Chapter 112, Laws of 1988:

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 related 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 where otherwise required by statute.

Confidentiality Policy

Library records that are deemed confidential are covered by New York State Law signed on June 13, 1988 (I DPLR 4509). These records are related to the circulation of library materials that 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 related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests, or the use of audio-visual materials, films or records. These records shall be confidential and shall not be disclosed except that such records may be disclosed upon the request or consent of the user or pursuant to subpoena, court order or when otherwise required by statute. Circulation and similar records of a library which identify the user of library materials shall not be public records but shall be confidential and may not be disclosed except:

1. To members of the library staff in the ordinary course of business.
2. Upon written consent of the user and or the users parent or guardian if the user is a minor.
3. Upon court order or subpoena.

Although confidential library records have always been subject to disclosure according to lawful process, the USA Patriot Act expands the authority of local, state and federal law enforcement to gain access to educational and library records, including stored electronic data and communications. As such, this law overrides state library confidentiality laws protection library records. When presented with any court order, an employee should:

- Obtain proper identification of the agent or officer presenting the document; make a copy.
- Obtain a copy of the court order.
- Following departmental guidelines, give the copy of the agent identification and court order notification to the supervisor. The supervisor is responsible for notifying the Library Board and for ensuring that the copy of the agent identification and court order is forwarded to the Village Office and the Village Lawyer.

Note: The form of court order most likely to be served is a search warrant. A search warrant is executable immediately, unlike a subpoena. The agent or officer may begin a search of library records as soon as a library employee is served with the search warrant. The employee should ask if he/she can call the supervisor or department head for notification of the appropriate personnel, the search may begin immediately. The employee should cooperate with the search to ensure that only the records identified in the warrant are divulged and the village attorney and mayor should be immediately notified.

Disclaimer:

The policies and procedures presented in this database are meant to provide guidance and to generate ideas. They are for informational purposes, only. LTA does not recommend or endorse any specific policy.