



## **CONFIDENTIALITY OF LIBRARY RECORDS**

Under New York State law, library records are confidential. No member of the staff other than the Library Director or his/her 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 or digital form, to a law enforcement officer or other person.

### **New York Civil Practice Law & 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 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.

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

- The staff member receiving the request to examine or obtain information relating to circulation, computer activity or other records identifying the names of library users, will immediately refer the person making the request to the Director, or his/her designee in the Director's absence, who shall explain the institution's confidentiality policy.
- The 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.
- 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 or 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 or other specified records.)
- 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 Director immediately.

- If the document is a search warrant that authorizes 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 Director and legal counsel.)
- Library administration will immediately transmit subpoenas and warrants to the library’s attorney. 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 transpired.
- 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 library to cooperate with duly authorized law enforcement officials.

Any 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 Director.

Policy 600-151  
Adopted 1/03  
Revised 11/03, 9/11, 12/18