

Town of Inlet Public Library Confidentiality of Library Records Policy

Library records that are deemed confidential are covered by New York State Law signed on June 12, 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.

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 federal law overrides state library confidentiality laws protecting library records. When presented with any court order or other request for confidential information, an employee shall:

1. Contact the Librarian or a member of the Inlet Public Library Board of Trustees immediately. Do not disclose any information to the individual presenting the order or making the request.
2. The Librarian or Board member will ask to see official identification and photocopy it.
3. The Librarian or Board member will ask to see the court order, subpoena, or warrant and make a copy if one is not provided.
4. If no court order, subpoena or warrant document is being presented, the person is to be informed of the Library's Confidentiality of Library Records Policy and given to understand his/her request cannot be met.
5. If a warrant is being presented it is executable immediately. Neither staff nor Board members should impede or interfere with the search and seizure. Staff and Board members should cooperate with the search to ensure that only the records identified in the warrant are divulged.
6. If a court order, subpoena or warrant is being presented, the Librarian or Board member will immediately contact the Southern Adirondack Library System Director and the Town of Inlet Supervisor (or Town legal counsel in the absence of the Supervisor).
7. Keep a record of all requests.
8. Keep a record of all costs incurred as a result of any search and seizure.

9. NOTE: A search warrant issued by a FISA (Foreign Intelligence Surveillance Act) court contains a “Gag” order. That means no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. The library staff and Board members must comply with this order. No information can be disclosed to any other party, including the patron whose record is the subject of the search warrant, with the exception of the Southern Adirondack Library System Director, the Town of Inlet Supervisor, and legal counsel of the Town of Inlet.

Adopted 11-16-2017