

# **ROSE MEMORIAL LIBRARY ASSOCIATION**

## **CONFIDENTIALITY OF LIBRARY RECORDS POLICY**

### **INTRODUCTION**

The Board of Trustees of the Rose Memorial Library Association recognizes the responsibility to protect the privacy of library users.

Library patrons' First Amendment rights to guaranteed freedom of speech extend to a corresponding right to hear what is spoken and read what is written, free from fear of intrusion, intimidation, or reprisal.

The confidentiality of library records is protected by New York State (CPLR 4509, New York State Statutes) which states that library 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."

The Rose Memorial Library ascribes to the American Library Association's Code of Ethics, which states, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired."

### **PROCEDURES**

In the event that a staff member is asked to divulge confidential information, the following steps will apply:

1. The Library staff member receiving the request to examine or obtain information relating to confidential Library records will immediately refer the person making the request to the Library Director, who will explain the confidentiality policy.
2. Under no circumstances will staff divulge any confidential information regarding or including
  - patron's name, address, telephone number, online database record (including digital photographs of the patron);
  - Library card holding status; or
  - general information regarding a patron's Library habits, including, but not restricted to, number of visits, time of visits, number or type of questions asked, etc.
3. The Library Director will handle requests and orders in a timely manner. If necessary, the Library Director will consult with the Board and legal counsel to determine if such process, order, or subpoena is proper and in full compliance with proper legal authority. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American judicial system provides the mechanism for seeking release of such confidential records. The issuance of a court order, following a showing of good cause based on specific facts by a court of competent jurisdiction, will be the only basis on which confidential information will be released.
4. Requests for information about a patron will be denied unless said patron provides written consent, or a court order is provided.

**Approved by the Board of Trustees on November 19, 2003**  
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