LIBRARY CONFIDENTIALITY POLICY

The confidentiality policy of the Mount Pleasant Public Library is based on the First and Fourth Amendments of the U.S. Constitution, the Iowa Code, and professional ethics.

First Amendment: Congress shall make no law…abridging the freedom of speech…

Fourth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Confidentiality is essential to protect the exercise of First and Fourth Amendment rights. In accordance with First and Fourth Amendments of the U.S. Constitution, the Iowa Code and professional ethics, the Board of Trustees of the Mt. Pleasant Public Library respects the privacy of users and recognizes its responsibility to protect their privacy.

Code of Iowa 22.7 "Examination of Public Records (Open Records)"

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information…

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon 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.

18. Communications not required by law, rule, or procedure that are made to a government body or to any of its employees by identified person outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.

Professional Ethics:

"We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." (Source: Code of Ethics of the American Library Association)

Library Confidentiality

1. 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.

2. The library will hold confidential the names of cardholders and their registration information and not provide access for private, public or commercial use.

3. The library interprets possession of a card (or card number in a phone or email request) as consent to use it unless it has been reported lost or stolen, or there is reason to believe that consent has not been given.

4. The lawful custodian of the records is the Director of the Library and legal counsel is the City Attorney. Every effort shall be made to reach the director if court orders are to be served, whether the director is present in the building or not. In the director's absence, the administrative assistant shall serve as temporary custodian of the records. If both are absent, the director shall appoint a temporary custodian of the records.

5. 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:

    A. A 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.

    B. 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).

    C. The library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.

    D. 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.

    E. The issuance or enforcement of any such process, order, or subpoena shall be examined by legal counsel and determination will be made that such process, order, or subpoena is

sufficient to require release of the records.

F. If any written request, process order, or subpoena has been determined by legal counsel not to be in proper form or does not otherwise appear to be sufficient to support releasing the records, the library director and legal counsel shall insist that such defects be cured before any records are released.

G. 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.

H. 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.

I. 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 legal counsel deems such action to be appropriate.

J. Any threats or unauthorized demands (i.e. those not supported by written request, process, order, or subpoena) concerning circulation and other records identifying the names or library users shall be reported to the director.

K. Any problems relating to the privacy of circulation and other records identifying the names of library users, which are not provided for above, shall be referred to the director.

L. The library will release information to the parent or guardian of a minor child for the purpose of recovering overdue materials and settling accounts for lost, late or damaged material, and for other matters related to the recovery of material or charges incurred by minor children for which a parent or guardian may be considered liable. However, information will not be provided to the parent or guardian who is merely attempting to determine what library materials a minor child is using.

M. Library accounts for which a bill has been sent may be revealed to a collection agency, or law enforcement personnel.

Procedures for enforcing the policy on confidentiality of library records.

1. 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. 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.

2. The 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 director shall refuse to provide the information based on the library's policy and the state's confidentiality law.

3. The Director can only discuss a request under the USA Patriot Act with legal counsel. If someone other than the Director has been served with a warrant under this act they cannot disclose that a warrant has been served or that records have been produced pursuant to the warrant except with the Director and legal counsel.

4. If the Director is not available, the staff will use all means to contact the Director.

5. As soon as the Director is served with court orders, legal counsel will be notified.

6. The Director and legal counsel shall cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. The Director shall keep track of what is examined and what is taken.

7. If the court order requires the removal of a computer workstation or other computer storage device from the library, the Director shall request that a backup tape be made before the device is removed

Approved by the Board of Trustees
July 10, 2012