

Wadleigh Memorial Library

Policy on Use and Confidentiality of Information

I. General Statement of Policy

It is the policy of the Wadleigh Memorial Library to protect the privacy of all persons who use the Library. Specifically, the Wadleigh Memorial Library believes that each library has a right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

Accordingly, the Wadleigh Memorial Library will treat as confidential all records in its possession that contain the names or other personal identifying information regarding users of the Library. The Library, its director or its trustees will only release such information to third parties when required by law.

II. When Release of Information is Required by Law

Section 201-D:11 of the New Hampshire Revised Statutes describes the circumstances in which a New Hampshire public library must disclose information about a user to a third party. Those circumstances are (1) when requested or authorized by the user, (2) pursuant to a subpoena, (3) pursuant to a court order (including a search warrant) or (4) when otherwise required by statute. It is the policy of the Wadleigh Memorial Library to comply strictly with these requirements.

III. The PATRIOT Act

One of the situations in which the Wadleigh Memorial Library may be "otherwise required by statute" to disclose user information arises under the federal statute entitled the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" (USA PATRIOT Act) of 2001. Sections 215 & 505 are particularly relevant to public library records. Re-authorized in 2006, the PATRIOT Act expanded the ability of federal authorities, including the FBI, to gather intelligence related to international terrorism. Under the PATRIOT Act, federal authorities may obtain an order from a special federal court (known as the Foreign Intelligence Surveillance Act Court) gaining access to any business information, including the records of a public library. Even though New Hampshire has some of the strictest library confidentiality laws in the country, the Patriot Act overrides all state and local privacy laws. If the Wadleigh Memorial Library were served with such an order, the Library could be required to provide user information to federal authorities and be prohibited from disclosing that fact. For the complete text of the USA Patriot Act, see the Government Printing Office's website (www.gpo.gov) or ask a Librarian for assistance.

IV. What the Library Will Do When Served with a Court Order or Subpoena

When a member of the Library Staff is served with a subpoena or court order purporting to require the disclosure of user information, or if the Staff member is otherwise approached by law

enforcement authorities in connection with his or her work at the Library, the Staff member shall immediately refer the matter to the Library Director or his/her onsite designee.

When possible, the Library Director/designee shall seek the advice of counsel prior to complying with any court order or subpoena requiring the release of user information. **In no circumstances shall the Library comply with a subpoena without first obtaining the advice of counsel.**

V What Information the Library Keeps About Users

Because the Wadleigh Memorial Library respects the privacy of its users, it is the policy of the Library to maintain user-specific information only as necessary. Specifically, the Library maintains user information only as follows:

The Library maintains the name, date of birth, address, telephone numbers, work contact information, email address, history of blocks and signature of each person with circulation privileges. Additional information, such as the names of others authorized to use the card, may be kept with the specific approval of the cardholder. If such person is a minor having attained less than seventh grade, the Library also keeps a record of the user's grade level as well as the name and signature of a parent or guardian authorizing the circulation privileges. Once patrons reach seventh grade they are treated as adults.

As to each item in the Library's collection, the Library maintains a record of the current borrower of the item (if any) and the previous borrower for a period of up to one month.

The Library keeps a record of unpaid fines, including the user responsible for the fine and the item from the collection associated with the fine.

The Library keeps statistical information about library use on a permanent basis. Such statistical information does not identify specific users of the library.

VI Why does the Library need personal information?

Libraries keep records in order to better manage library resources. Furthermore, we are entrusted with the stewardship of taxpayer owned resources. In order to obtain a library card and utilize said resources, therefore, we require proof of identification, date of birth, and proof of residency/property ownership and/or employment in town. We need to ensure that if such materials are damaged or stolen we have the information necessary to identify the responsible patron.

Approved September 15, 2009
Board of Trustees