



Comsewogue Public Library

Confidentiality of Library Records Policy

No member of the staff other than the Director or Director's 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 form, to a law enforcement officer or other representative of a public or private agency.

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 staff member of Comsewogue Public Library is requested to provide patron information to an outside agency or individual the following procedures must be followed:

1. 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 designee in the Director's absence, who shall explain the Library's confidentiality policy.
2. The Director, upon receipt of a process, order or subpoena, shall consult with legal counsel with respect to the Library's legal obligation to comply. If, in the opinion of legal counsel, the process, order or subpoena is not in proper form, insistence shall be made that such defects be remedied before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of a court-ordered subpoena *duces tecum*.)
3. If, in the opinion of legal counsel, the process, order or subpoena is in proper form, the Library shall comply therewith, unless the Board of Trustees, upon the request of the Director and after consultation with legal counsel, directs that legal counsel take appropriate action to limit or quash such process, order or subpoena.

4. Any threats or unauthorized demands (i.e., those not supported by process, order or subpoena) concerning circulation, computer or other records identifying the names of Library users shall be reported to the Director immediately.
5. If the document is a search warrant that authorizes an immediate search and seizure, inform the officer that the Library Director and legal counsel will be contacted immediately and request the constraint of the officer. (The officer may inform you that the warrant is “secret.” This does not preclude notification of the Director and legal counsel). If the officer insists upon compliance 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 in lieu of the original documents.** At the conclusion of the search immediately make a written record of all events that transpired.
6. Staff members are, in all circumstances, to be polite and amicable. It is important that the matter not be treated as adversarial since it is the policy of the Comsewogue Public Library to respect duly authorized law enforcement officials.
7. Any matters relating to the privacy of circulation, computer or other records identifying the names of Library users that are not provided for above shall be referred to the Director.