

Arnolds Park Library Confidentiality of Library Records Policy

The Arnolds Park Library Board respects the privacy of its users and recognizes its responsibility to protect their privacy.

This policy is meant to protect the privacy of library users while complying with the Constitution of the United States of America, the First and Fourth Amendments, the United States Code, the Code of Iowa, and the Code of Ethics of the American Library Association.

POLICY:

1. The library will not reveal the identities of individual users nor 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 card holders and their registration information and not provide access for private, public, or commercial use.
3. The lawful custodian of the records is the Director of the Library.
4. 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 that may require the library to release the information include:
 - a. The library receives a valid court order requiring the library to release registration, circulation or other records protected under the Iowa Code.
 - b. The library receives a warrant for the information issued under the USA Patriot Act.
 - c. The library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.

PROCEDURE:

1. Request to custodian of the records: The library staff member receiving a request to examine or obtain information relating to registration records, circulation records, or other records identifying the names of library users shall immediately refer the requestor to the library Director.

If the library Director is not available, the library staff member will contact the Director as soon as possible. In the event the Director cannot be reached, the highest ranking person on duty is responsible for working with the requestor.

2. Court order, warrant, or NSL: The library Director will meet with the requestor of the information. The law enforcement 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 the proper paperwork compelling the production of records, the library Director will refuse to provide the information.
3. Legal Counsel: If the records requested cover registration, circulation, or other records protected under the Iowa Code, and the Director is uncertain about whether the order, or subpoena presented to the library Director is sufficient to require release of the records, the library Director may immediately consult with legal counsel to determine if such process, order, or subpoena is sufficient to require release of the records.
4. Defects: If any written request, process, order,, or subpoena is not in proper form or does not otherwise appear to be sufficient to support releasing the records, the library Director shall insist that such defects be resolved before any records are released.
5. Release: If the library Director or the person in contact with the library's attorney determines that the order, warrant, or NSL is sufficient and compels the release of the records, the library Director shall release the records.
6. Gag order: 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 shall not discuss the request with anyone other than legal counsel.
7. Refusal: 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.
8. Further legal action: 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 the library Director and library's legal counsel deem such action to be appropriate.
9. Reports from staff: Any threats or unauthorized demands (i.e. those not supported by a written request, process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Director. Any other 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.

