

Privacy Policy Introduction

We adhere to **RSA 201-D: 11 Library User Records; Confidentiality.** –

I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in paragraph II. Such records include, but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services.

II. Records described in paragraph I may be disclosed to the extent necessary for the proper operation of such libraries and shall be disclosed upon request by or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.

III. Nothing in this section shall be construed to prohibit any library from releasing statistical information and other data regarding the circulation or use of library materials provided, however, that the identity of the users of such library materials shall be considered confidential and shall not be disclosed to the general public.

Privacy is essential to the exercise of free speech, thought, and association. The library strives to create an environment where people can pursue knowledge on any topic without fear. This library provides confidentiality under the above law whenever we are in possession of information about users. This policy outlines patron privacy rights and the steps the library will take to maintain that confidentiality within the confines of current law.

In all cases, we avoid creating unnecessary records, retaining records not needed for the fulfillment of the mission of the library, and we do not engage in practices that might place information on public view.

Information we may gather and retain about current library users includes the following:

- User Registration Data
- Circulation Data
- Electronic Access Data
- Inter-Library Loan Records
- Museum Pass Use Records
- Reference Interview Information

We require certain personal information in order to provide borrowing privileges to patrons; patron information will never be shared, sold, or disclosed to a third party unless we are so compelled to do so by a valid court order, or, the patron gives us express permission to do so.

Patrons have the option of providing us with an e-mail address for the purposes of notifying them about their library account, or library news. Patrons may request that we remove an e-mail address from a record at any time.

Patrons may access and update their personal information at any time. Patrons will be asked to provide some sort of identification before any changes are made to their account, or any information is disclosed concerning their account.

Patriot Act

The Barrington Public Library makes every effort to protect your right to privacy, but the US Patriot Act does give FBI agents the right to access library use records kept on file within certain parameters. It also forbids library staff from divulging that these records have been obtained by including a gag order. Public libraries are facing a dilemma of having the responsibility of protecting the privacy of our patrons while responding to national security concerns. We will take all possible steps to maintain patron privacy while adhering to current laws. Please be aware of what records are kept and that patron privacy may not be complete due to provisions of this law.

Data Security

- We destroy any data, or convert it to an anonymous form for statistical purposes, when it is no longer needed to perform library business. Our circulation system does currently keep patron borrowing history for an indefinite time.
- We use authorization systems for public computer use log-in that do not require personally identifiable information
- We will use a reputable vendor whose product has security features in place to protect patron information when using the online card catalog. Patrons should be aware that any online functions done from home may be logged by other sources other than the library and may not be private.
- We will update, or destroy, old patron records in a timely manner. The law requires us to keep all registrations for one year past the expiration date. Records still needed to track overdue items or fees not paid will be kept until such time as the fees are handled.
- We will regularly purge all e-mail accounts of e-mails that contain personally identifiable information or information concerning patron borrowing or reference questions.
- All paperwork, no longer needed to complete a library transaction, that contains patron information will be immediately shredded.
- We will use a system that does not keep any record of patron searches; once a search is conducted, the software will not retain a record of it.
- All signup sheets for programs will be shredded once the program is completed.
- The library makes every effort to install software on public computers that removes cookies, cached files, Internet histories, and other search data. Patrons do need to be aware that some data may be left on library systems which a deep search by law enforcement officials may reveal and the library cannot guarantee complete privacy when patrons use library systems.
- No information from a patron reference interview will be kept by the library once the question has been answered; any contact information, e-mails, or other data will be destroyed.
- Third Party Security: We ensure that our library contracts, licenses, and offsite computer service arrangements reflect our policies and legal obligations concerning patron privacy. When connecting to licensed databases outside the library, we release only information that authenticates users as "members of our community". Nevertheless, we advise patrons of the limits to library privacy protection when accessing remote sites as these sites may ask for, or collect data, that could be investigated at some later date.
- Cookies: A cookie is small file sent to a browser by a web site each time the site is visited. Patrons should be aware that a cookie may be left on their home system when they visit the library web site and could be tracked by officials. The library does not track cookies in any way but a deep search by officials could provide data about use of online systems.
- The library limits access to personal data to staff and select library volunteers. All staff and volunteers are trained on patron privacy and are required to not divulge any personal or borrowing information to a third party unless required to by law. The library also uses passwords to protect computers that house personal data as well as maintaining security around staff computers.

Front Line Staff Privacy Issues

- It is lawful to refer an agent or officer requesting data to the person in charge.
- It is lawful to not respond immediately.
- Staff should immediately ask for identification if approached by law enforcement, and then record the information before referring the individual to the designated person in charge.
- DO NOT answer any questions regarding the information sought or hand over any records or computers; all questions will be handled by the person in charge.
- No information concerning titles should be given out to anyone but the patron unless a valid court order is in place. This includes information on whether they used the Internet, what they surfed to find, database search records, borrowing records, reference question queries, and any other user information.
- Overdue calls should be made to the child if the item is taken out on their card. By law, we are supposed to only give titles to the patron. Explain to parents that by law you are only supposed to tell titles to the borrower. The child may give verbal permission for you to tell their parent what they have out, or, the child may have that noted on their record.

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- This applies to husbands and wives as well; titles may NOT be given unless the person has given express permission.
- When calling about books on reserve for patrons or ILL books that have come in, please do not leave messages that include titles.
- Overdue notices should be addressed to the patron, regardless of age.
- Bills for children should be addressed to the parents of _____ and should include the formats and cost of the items lost and any fines owed, but NO title information should be included.
- When giving new cards to children, please explain this policy (hand out our brochure on the topic) and let parents know up front that they will not be told titles on their child's card unless we get verbal permission from the child. If they choose, they can continue to take out their child's items on the parent card until they feel ready for them to have that privacy. If their child is going to come to the library alone, they (the child) need to have their own card...they cannot use a parent's card without the parent present.
- **Staff should hand out the attached brochure to explain privacy rights, especially to parents getting a card for a young child.**

Handling of Requests for Patron Information

- We authorize only the Library Director, or, in the absence of the Director, a duly sworn Library Trustee (preferably the President of the Board) to receive or comply with requests from law enforcement officials. We will confer with legal counsel before determining the proper response. We will not make library records available to any agency of the state, federal, or local government unless a subpoena, court order or other investigatory document is issued by a court of competent jurisdiction that shows good cause and is in the proper form. We will train all library staff and volunteers to refer any law enforcement inquiries to library administrators.
- **The administrator in charge should:**
 1. Verify ID by calling the appropriate agency. Use the phone book or another source for the number rather than one provided by the person at hand to verify ID. Get a business card for your records. If the ID is valid, proceed below.
 2. Ask to see the court order
 3. Contact the municipal or library attorney to review the court order.
 4. If the officer does not have a proper court order compelling the production of library records, politely explain the library confidentiality policy and the statutes governing patron privacy. Some officials may not be aware of these laws.
 5. Without a court order, neither the FBI nor local police has the authority to require answers to questions, other than your name and address. If they persist, be pleasant, assure them you do wish to cooperate, but will not respond to informal requests for information, to do so would violate NH State Law. When they come back with a valid court order, you will be happy to comply.
 6. Once the court-ordered subpoena or search warrant has been verified by your attorney for validity and thoroughness, you may proceed in turning over the requested information. The document should be strictly limited to specific records or documents and you should NOT hand over any records not specifically asked for in the document.
 7. If disclosure is required, ask legal counsel to draft a protective order to be submitted to the court keeping requested information confidential and limiting its use to the particular case.
 8. If the court order is a search warrant, it is executable immediately. The officers may begin a search as soon as the library director or designee is served. It must be signed on behalf of a judge with jurisdiction over the premises to be searched, it must be directed to a named law enforcement officer, and must command him or her to search specific premises, and it must describe the material to be seized. You may consider asking the officer to wait until counsel arrives to begin the search (they do not have to comply). You should be courteous and helpful but do not volunteer information until counsel arrives. Ask for a copy of the warrant and any affidavits used to obtain the warrant. If counsel cannot be present, call or fax them the following data: Time warrant was served, agencies involved in the search, areas to be searched, and types of evidence to be seized.
 9. Take careful notes on the type and location of evidence seized, including documents, computer records, physical items, photographs, videotapes, and audio recordings. Notes are to be taken in anticipation of litigation, addressed to counsel, and kept confidential. Monitor the search but do not interfere. Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other records are disclosed.

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10. If they seize privileged documents, advise them of this and ask that they be sealed in an envelope and segregated from other items seized until counsel can take steps to seek their return. Obtain a receipt for all items seized and ask for an opportunity to copy all documents seized.
 11. If the warrant is under the PATRIOT Act, all the above apply, PLUS, the staff member involved is under a GAG ORDER. This means you cannot disclose information that data was sought or given to ANYONE, including the press, other staff or Trustees, family, or the individual whose records were seized. The gag order does not mean you can't call legal counsel. You may still have counsel present.
- The library handles claims in this manner not only to provide patron privacy provided for under the law, but to ensure that all data retrieved will be done so in a lawful manner.