



Confidentiality of Records

The Council of the American Library Association strongly recommends that the responsible officers of each library in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential in nature.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, **federal***, state or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as proper showing of good cause has been made in a court of competent jurisdiction. This means that upon receipt of such process, order or subpoena, the library's officers will consult with their legal counsel to determine if such process, order or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

***The United States Patriot Act was signed into law on October 26, 2001.** This Act supersedes the confidentiality legislation of New York State as Library Policy, which had previously protected the privacy of library patrons.

Definitions under the Patriot Act:

Subpoena: Requires that all requested documents and information be provided to the court at a certain future date. This allows recipient to call council and have the document reviewed and challenged if appropriate.

Search Warrant: Allows that law enforcement officer may take all documents/information/computers immediately.

4. The Chili Public library will observe the following procedure if a law enforcement officer presents a subpoena or search warrant under the USA Patriot Act at any of the libraries.

- a. Subpoena: When presented with a subpoena the staff member should immediately contact the Director or Assistant Director. If neither is reachable, the usual chain of command will be followed. Director will retain a copy of the subpoena and contact Town's Legal Counsel to request instruction.
- b. Search warrant: When presented with a search warrant the staff member must step aside and allow the warrant to be implemented. Search warrant information is confidential. The staff member approached should notify the Director who will then notify Town Legal Counsel. A copy of the search warrant will be retained whenever possible.

Adopted by the ALA Council
January 20, 1971

USA Patriot Act Information Adopted by
The Chili Public Library Board of Trustees
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