

# **Confidentiality of Library Records**

The Board of Trustees of the Elkader Public Library respects the privacy of users and recognizes its responsibility to protect their privacy.

- A. The Elkader Public Library Board of Trustees affirms that all library circulation records, individual reference requests, reading interests of patrons, and individual use of the library's technological equipment, which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library, are confidential.
- B. Said records shall not be available to any person or to any agency of the local, state or federal government except by legal process, as provided for in the Iowa Code (chapter 22.7). (See attached).
- C. Information concerning an individual's account will be released to that individual only.
- D. All cases involving confidentiality must be considered by the Board of Trustees in consultation with the Elkader City Attorney.
- E. 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 which may require the library to release the information include the following:
  - (1) A criminal or juvenile justice agency is seeking the information pursuant to an investigation of a particular person or organization suspected of committing a known crime AND the criminal or juvenile justice agency presents the Director with a court order demonstrating that there has been a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.
  - (2) The library receives a Warrant for the information issued under the USA Patriot Act.
  - (3) The library receives a National Security Letter seeking information pursuant to the USA Patriot Act.
  - (4) The library receives a valid court order requiring the library to release registration, circulation or other records protected under the Iowa Code and the information is not sought in conjunction with a criminal or juvenile justice investigation.
- F. All overdue notices will list the titles of the materials overdue and will be sent in a sealed envelope.
- G. The library will release information to the parent or guardian of a minor child for the purpose of recovering overdue materials and settling accounts for lost, late or damaged material, and for other

matters related to the recovery of material or charges incurred by minor children for which a parent or guardian may be considered liable. However, information will not be provided to the parent or guardian who is merely attempting to determine what library materials a minor child is using. Children's records under the age of 8 years old may be released to the parent/guardian by the lawful custodian of the library records.

- H. Security cameras are installed in the library to protect the safety and security of people, the building and its contents. Only authorized library staff may view recordings. However, library security camera recordings are public records, and may be viewed upon receipt of an open records or law enforcement request.
- I. The library will hold confidential the names of card holders and their registration information and not provide access for private, public or commercial use.

#### Procedures:

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

To prevent any misunderstanding, the staff member should avoid discussing with the person making the request what user information may or may not be available, or what the library can or cannot do.

If the Director is not available (such as during evenings or weekends or when away on business), the library staff member informs the requestor when the Director will be available. If pressed to act sooner, the library staff member contacts the Director immediately. In the event the Director cannot be reached, the highest ranking person on duty is responsible for working with the requestor.

Court Order, Warrant, or NSL. The Director shall meet with the requestor of the information. If the requestor is a law enforcement officer, the 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 a proper court order, warrant, or NSL compelling the production of records, the Director shall refuse to provide the information.

Legal Counsel. If the records requested cover registration, circulation, or other records protected under the Iowa Code, and the Director is uncertain about required release of the records, the Director may immediately consult with legal

counsel to determine if such process, order, or subpoena is sufficient to require release of the records.

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 Director shall insist that such defects be cured before any records are released.

Release. If the Director in consultations with library's attorney, determines that the order, warrant, or NSL is sufficient and compels the release of the records, the Director shall release the records.

Gag Order. If the request is made pursuant to the USA Patriot Act, the Director is authorized to obtain legal counsel regarding the request. As required by the USA Patriot Act, the Director shall not discuss the request with anyone other than legal counsel.

Refusal. If the requestor is not a law enforcement officer and has not presented any type of court of administrative order requiring release of the requested information, the Director shall refuse to provide the requested records.

Further Legal Action. The 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 Director and the library's legal counsel deem such action to be appropriate.

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.

Adopted: December 12, 2005

Adopted: January 12, 2009

Adopted: October 4, 2011

Reviewed and Adopted: December 9, 2015

Reviewed and Adopted: October 9, 2018

Revised and Adopted: November 10, 2021