



CONFIDENTIALITY OF LIBRARY RECORDS

I. PURPOSE

The purpose of this policy is to affirm the Kings County Library dedication to the principle of confidentiality of library patron records and expectation of privacy when using library materials, and to identify those limited circumstances under which information regarding a patron's use of the Library will be released to third parties.

II. SCOPE

All records pertaining to the use of Kings County Library materials by a Library patron shall remain confidential other than records relating to fines imposed on borrowers and, in accordance with Government Code section 6254(j) such confidential records will not be disclosed in response to requests under the Public Records Act (Government Code sections 6250 and following). "Records" includes all forms of communication related to public business, except as noted above, including any writing, picture, sound, or symbol, whether paper, fiber, magnetic, or other media. No employee or volunteer shall make information regarding such records or a customer's use of the Library's materials, equipment or facilities (including the Library Meeting Room) available to any third party except in accordance with the court or other orders or search warrants described in this Policy. Records relating to fines imposed on borrowers must be disclosed when properly requested under the Public Records Act, as must rental agreements for use of the Library Meeting Room which are disclosable public contracts.

The confidential patron records referred to in this Policy, whether print or electronic, include but are not limited to:

1. Circulation records from any library branch
2. Library card registration records
3. Interlibrary loan requests
4. Patron material requests (holds)
5. Computer booking records
6. Web site records
7. Reference requests received in person or via email or telephone.

The confidential information in these records includes, but is not limited to:

1. Subjects researched
2. Materials consulted
3. Individual titles borrowed
4. Patron name, address, phone number, driver's license or DMV identification card number, and social security number or tax identification number

III. DISCLOSURE OF CONFIDENTIAL INFORMATION

With the exception of Library personnel performing their required library duties, Library patron records may only be disclosed:

1. To the patron himself/herself upon verification of identity
2. To the parents of minor children under specific circumstances (see "Minors" below.)
3. Under court-issued order, subpoena or search warrant, in which case Library staff are to refer all requests for information to Library management for referral to its legal counsel, the Kings County Counsel, for review prior to any decision on compliance.

The Kings County Library will honor a properly issued and served court order, subpoena or search warrant issued by an appropriate state or federal court, subject to the following procedures:

- a. Any employee who receives the request for Library records shall ask for the identification of the person or entity making the request and then immediately refer such person or the agent or officer of that person or entity to the Library Manager or, in the absence of the Library Manager, to the person-in-charge of the Library building.
- b. The Library Manager or person-in-charge should attempt to contact the Library's legal counsel (Kings County Counsel) and to have such legal counsel present. In the event that legal counsel is not available, the Library Manager or person-in-charge should only meet with the requesting person or agent with another Library staff member in attendance.
- c. If the requesting person or entity or the agent or officer of that person or entity does not have a court-issued order, subpoena or search warrant compelling production of the records, the Library Manager or person-in-charge shall explain the Library's confidentiality policy and the State's confidentiality law and inform the person that Library patron records are not available except when such an order, subpoena or search warrant has been presented.
- d. If the court order is in the form of a court-issued order or subpoena, before any records are produced the Library's legal counsel shall examine the order or subpoena for any legal defect, including the manner in which it was served on the Library, the breadth of its request, its form, or any insufficient showing of good cause made to the court.
- e. If the order is in the form of a duly-issued search warrant, the agent or officer may legally begin the search of Library records as soon as the Library Manager or person-in-charge is served with the order. However, the Library Manager or person-in-charge should ask to have the Library's legal counsel present before the search begins in order to allow the Library's legal counsel an opportunity to examine the sufficiency of the search warrant and to assure that the search conforms to the terms of the search warrant.
- f. If the order is a search warrant issued under the Foreign Intelligence Security Act, no information regarding the existence of the search warrant or of the records that have been produced pursuant to the warrant shall be disclosed to any other party, including the patron whose records are the subject of the search warrant. The Library Manager or person-in-charge does have the right to and shall seek legal advice concerning the warrant from the Library's legal counsel and shall request that the Library's legal counsel be present during the actual search and execution of the warrant.

IV. MINORS

If a Library cardholder is under the age of 18 and is not an emancipated minor, the parent or legal guardian (with acceptable identification) who signed for the child's card or who can provide proof of parental or legal guardian relationship may be given information regarding that child's record.

V. CALIFORNIA LAW

This Policy is subject to all applicable state laws regarding confidentiality of Library records, including the following, and in the event of a conflict between such laws and this Policy, the provisions of such laws shall prevail:

California Government Code Sec. 6267. Registration and circulation records of libraries supported by public funds.

All registration and circulation records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed to any person, local agency, or state agency except as follows:

- (a) By a person acting within the scope of his or her duties within the administration of the library.
- (b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.
- (c) By order of the appropriate superior court.

As used in this section, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes any information which identifies the patrons borrowing particular books and other material.

This section shall not apply to statistical reports of registration and circulation nor to records of fines collected by the library.

VI. USA PATRIOT ACT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001)

Section 215 of the USA Patriot Act, Access to Records Under Foreign Intelligence Security Act (FISA), allows an FBI agent to obtain a search warrant for "any tangible thing," which can include books, records, papers, floppy disks, data tapes, and computers with hard drives; permits the FBI to compel production of library circulation records, Internet use records, and registration information stored in any medium; and provides that libraries or librarians served with a search warrant issued under FISA rules may not disclose, under of penalty of law, the existence of the warrant or the fact that records were produced as a result of the warrant.

Staff shall adhere to the provisions of Section III-4 of this Policy when disclosing information to an FBI agent in response to a search warrant issued under the terms of the USA Patriot Act.

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