

300-02 — Confidentiality of Library Records

Statement of Purpose

All circulation, Internet, computer, and any other records identifying the names or other personally identifying details of library users are considered confidential in nature.

Library employees are advised that such records shall not be made available to any agency of the federal, state, or local government, except pursuant to such process, order, or subpoena, warrant and/or court order 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.

The director shall defer compliance with any such process, order, or subpoena until consultation with library counsel and direction of the Library Board of Trustees, unless such instrument is immediately executable by law.

The Fairport Public Library may disclose details of user services to a parent or guardian of a minor, in the same manner as such details are made known to the user, when such parent or guardian incurs financial liability to the Library by reason of the minor's use of library services.

Civil Practice Law & Rules §4509 Library Records

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Adopted: July 8, 2003
Reviewed: September 2020
Revised: January 12, 2021

Requests of Library Records Procedure

- Upon receipt of a subpoena, court order or warrant, the staff member shall immediately notify the Director or, in his/her absence, the Assistant Director. These documents will be identified on the document. If the Director and the Assistant Director are not available, the staff member shall notify the reference librarian. The Director, or in his/her absence, the person in charge (Assistant Director or reference librarian) will sign that the document has been served and shall immediately notify the president of the library board and the library's attorney. The library's attorney, whose contact information can be found on the Emergency Contact list. Court orders or subpoenas do not have to be responded to immediately.
- If the form presented is a search warrant, the law enforcement officers have the right to seize whatever is specified in the warrant (records or access to records such as computers, servers, etc.). The law enforcement officer (FBI agent, sheriff, police) can act immediately and must not be obstructed. The staff member is to immediately notify the Director or, in his/her absence the person in charge that a warrant has been implemented. The president of the library board and the library's attorney should be immediately contacted. A copy of the warrant should be requested and turned over to the Director.
- Under no circumstances is a staff member to discuss or relate to anyone except the Director or person in charge the event and specifically must not name the target of the investigation. If the person in charge is first notified, he or she may relate the information only to the Director. Talking about the investigation is a violation of Federal Law under the USA Patriot Act, which supersedes New York State Law on the confidentiality of records.
- The director will designate staff to monitor and track all costs associated with fulfilling the subpoena, court order, or warrant.