

VIII. Confidentiality of Library Records

In accordance with I V.S.A. 317 Section 19, the following are exempt from public inspection and copying: records relating to the identity of patrons or the identity of patrons in regard to the circulation of library materials. Specifically, no information regarding or including the following shall be given, made available or disclosed to any individual, corporation, institution, or government agency, without a valid process or subpoena.

- Patron's name, and contact information;
- The Library's circulation records and its content, borrower's records and their content;
- The number or character of questions asked by a patron;
- The frequency or content of a patron's lawful visits to the library
- Any other information supplied to the Library (or gathered by it).

It is the policy of the library to protect the confidentiality of library users to the extent permitted under Vermont and federal laws. The Library will comply with all lawfully issued court orders and subpoenas properly served upon it and furnish the documents and materials specifically listed in the court order or subpoena.

It is further understood that compliance with validly issued court orders does not eliminate the right of the Library to challenge their issuance in proper legal manner.

The Library will seek the advice from an attorney retained for such purpose or from legal counsel supplied by the Freedom to Read Foundation, on the scope and content of the applicable laws pertaining to that particular search, and on compliance with the search of Library and patron records.

Library records, which may be the focus of law enforcement requests, include electronic, print, and other forms of patron information. Archives of information that reveal identities of individuals are kept only when clearly necessary. The Library needs to retain specific information for the regular operation of library business.

Notwithstanding the above, a parent or guardian of a child under age 13 who has a library card may request and receive circulation records pertaining to the child. A parent or guardian of a child age 13-16 who has a library card may request and receive the following information regarding that child's circulation records:

- The number and titles of overdue books on the card, if any;
- The amount of any fines and/or fees associated with the record.

All staff are responsible for adherence to these policies and procedures. All library personnel, including staff and volunteers, are to be fully informed on this policy and procedure and on their own role if such situations arise.

Procedures

The Library Director or the Director's designee will be the person responsible for handling law enforcement requests.

The Library Director may use legal counsel regarding law enforcement requests. The counsel will review all warrants for sufficiency and correctness and take necessary legal action in the case of improprieties in the issuance of the warrant or in the search.

If the agent or officer does not have a court order compelling the production of records, the Director or designee will explain the Library's confidentiality policy as well as state law and inform them that the records are not available until a court order or subpoena in proper form is issued and presented to the library.

A valid court order must be issued before a law enforcement agent or officer accesses software or hardware on library computers or other electronic information.

A library employee or volunteer may disclose the contents of an electronic communication and/or information about a library user to law enforcement officials if s/he reasonably believes that an emergency involving immediate danger of death or serious physical injury requires disclosure without delay.

The library employee or volunteer will comply with law enforcement request/direction immediately to keep safe and preserve any potential evidence of a crime until a court order can be obtained. The evidence shall be placed in a secure location with no access by anyone other than the Library Director and/or designated Trustee and preserved until the court order is obtained and produced or until notified by law enforcement in writing that the evidence is no longer required to be preserved.

The Library Director and/or a designated Trustee are the only authorized respondents to a lawful subpoena. All library staff and volunteers will understand that they have no authority to answer questions of agents or officers nor to order compliance with any court order or subpoena. They will also understand that it is lawful to refer the agent or officer to the Director or designee.

If approached by agents or officers, staff will immediately refer them to the Director or designee.

After the visit, the Director and library staff and volunteers will adhere to any restrictions in the warrant about sharing the information with others. FISA [Foreign Intelligence Surveillance Act] court-issued warrants specifically charge that any person or institution served with a warrant will not disclose that a warrant was served or that documents were produced pursuant to the warrant.

As soon as feasible after the warrant is served, the Library Director will inform the designated Trustee of the request and action taken.

Only the Library Director and/or a designated Trustee will be prepared to discuss the matter with the media.

The Director or designee will retain a confidential log of all requests for records.

All staff, paid and volunteer, will be advised of these policies and procedures.