CONFIDENTIALITY OF LIBRARY RECORDS
and PATRON PRIVACY POLICY

Policy 1.11

POLICY STATEMENT: The Board of Trustees of the Library believes it is the basic right of every individual to use library materials without fear of censure or legal consequence, subject to applicable law. The Board affirms every patron's right to privacy and will make concerted efforts to protect that right.

APPLICATION: This Policy governs the rights of patrons and the responsibilities of the Library to protect every patron's privacy rights.

PROCEDURES FOR IMPLEMENTATION:

Legal Requirements - New Jersey law [1] requires that library records and documents containing the names or other personal information about library patrons be confidential and not disclosed except in the following three (3) circumstances:

- The records are necessary for the proper operation of the Library,
- The disclosure is requested by the patron,
- Disclosure is mandated by a subpoena issued by a court or by a court order.

Definitions – The following definitions shall apply for purposes of this policy:

“Patrons” include current and previously registered patrons, and all other registered and non-registered users of and visitors to the Library.

“Library records” include any document or record, however maintained, the primary purpose of which is to provide for control of the circulation or other public use of library materials [2], created and maintained in any form or
media, including but not limited to physical (e.g., paper), audio, video, electronic, and digital.

“Confidential Information” includes, but is not limited to the following with regard to all patrons:

- Contact Information, including name, address, telephone number, e-mail address, and other personal identifying information;
- Whether an individual is or was a patron of the Library;
- Current and previous materials borrowed;
- Image, likeness, and voice;
- The date(s) and time(s), frequency, nature and duration of visits to the Library, and any other information supplied to the Library by the patron;
- The date(s) and time(s), frequency, nature and duration of use of Library computers and WiFi, Internet access, and security camera footage;
- Resources consulted, whether print, audio or electronic, including catalog, database, and Internet searches conducted personally or by Library staff upon request;
- Questions asked, and any other personally identifying details known or contained in any Library record.

“Staff Member” shall include current and past employees, volunteers, Board Members, contractors, and agents of the Library.

Requests for Information – Generally - Regardless of the identity of the requester – individual, business, organization, government agency, including law enforcement, etc. – absent a subpoena or court order (and in accordance with the procedures set out below), no Staff Member may release any
Confidential Information as defined in this policy. Any staff member receiving a request for Confidential Information shall explain that all information about patrons of the Library is confidential by law and may be released only in response to a court-issued subpoena or other court order.

Individual patrons may request and receive Confidential Information about themselves contained in Library records, upon presentation of a valid library card and picture I.D. to verify and confirm their identity.

Requests for Information – Subpoenas and Court Orders - If the Library or the Board of Trustees, or any individual Staff Member, receives or is served with a subpoena or court order requesting Library records containing Confidential Information, the recipient immediately shall notify the Director or the Associate Director, present the subpoena or order, and should not take any other action. The Director or the Associate Director shall review the subpoena or court order and shall consult with the Library’s attorney, as necessary, to determine whether and to what extent the Library is or may be required to comply. The Director, in consultation with the Library's attorney and/or the President or full Board of Trustees, also will determine whether to accept the subpoena or order as presented, move to quash the subpoena or order, or try to minimize its scope. If the Library accepts the subpoena or order voluntarily, only the Director, and the Associate Director in the absence of the Director, is authorized to release any Library records containing Confidential Information pursuant to a subpoena or court order under any circumstance.

If a court order is issued by a court after a full hearing in which the Library participated, documents or records cited in the order shall be released, but only by the Library Director and only to the designated recipient of the records or information as listed in the court order.
If any question or problem relating to the release of Library records arises, which is not covered above, the employee or volunteer shall immediately refer the question to a supervisor and/or the Director.

Confidentiality - Except as directed by the Library Director or as stated in this policy, Library Staff Members shall not disclose to any other Staff Member(s), patron (including the patron who is the subject of the request), media person or media outlet, or other third parties, the fact that the Library received a subpoena or court order requesting Library records containing Confidential Information, the identity of the patron about whom the request was made, the Confidential Information requested, and the Library's response to the request. Failure to comply with this broad confidentiality requirement may subject the employee to disciplinary action and other Staff Members to other appropriate action and also may constitute a violation of the law.

Other Privacy-Related Issues – As part of the Library's efforts to protect the privacy rights of Library patrons, while still providing services in accordance with the Library's Mission Statement, the following additional guidelines shall apply:

A registered patron may check out items and retrieve account information without their Library card, by producing a photo ID to a staff member, who then must verify that the information matches the information on file for that patron, including that they hold a current, unrestricted Library card.

Notwithstanding the above procedure, patrons must present their physical Library card or a digital copy in order to check out any hold items.

The Library will provide hold/reserve information only to the patron. Staff may not leave any specific details on hold items in a message given to another person or left on a voicemail or answering machine.
Any person may pay another patron’s fines, but the Staff Member will not provide the payer with any Confidential Information, other than the amount of the fine, but not the reasons for the fine. If someone returns or renews an overdue item for a patron, he or she may pay the fine, but the patron’s account history will not be disclosed.

The Library protects children’s Confidential Information the same as other patrons, so parents borrowing books and materials should use their child’s Library card when checking out, renewing or paying fines on items for their child.

ENFORCEMENT/IMPLEMENTATION: All Library Staff Members are responsible for adhering to this policy, and the Director is responsible for implementing and enforcing this Policy. Any Library employee who discloses confidential information as defined below, other than in accordance with the terms of this policy, will be disciplined, up to and including termination. Any non-employee Staff Member, who violates this policy will be subject to sanction appropriate to his/her position.

Approved by the Board of Trustees: February 9, 2016
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