

## **Policy on Confidentiality and Privacy of Patron Information**

*Adopted by Wanaque Public Library Board of Trustees 11/15/2022*

Wanaque Public Library is committed to protecting the privacy and personal information of those who use the library and its services. This policy applies to all circulation and library use records, including use of the Internet as well as any other personally identifiable information.

N.J.S.A. 18A: 73-43.1.2 protects the confidentiality of details about library use contained in records required for circulation or other public uses of the library. Library records deemed confidential pursuant to NJSA 18A: 73-43.1.2 will not be made available to other members of the public, press, or to any state, federal or local government agency without an order from a court of competent jurisdiction, or as otherwise required by law.

### **Lawful requests for confidential information**

Records concerning library users' borrowing history and computer use are considered confidential and will not be made available to any law enforcement or government agency unless a valid court order or search warrant is presented. The library is legally required to comply with information requests pursuant to the USA PATRIOT ACT. If such a request is made, the library will do the following:

1. Any requests for confidential information regarding a library user, from a law enforcement officer or government agent, should be referred to the Library Director or a Trustee (if the Director is not available), who will explain the Library's policy to the officer.
2. If a library staff member is presented with a subpoena, they will refer the matter to the Library Director or a Trustee (if the Director is not available). We will then contact the municipal attorney to request advice on what action to take. A subpoena allows a party a period of time to respond.
3. If a library staff member is presented with a search warrant from a law enforcement officer, they are not to interfere with the search and seizure. The staff member will contact the Library Director or a Trustee (if the Director is not available) as soon as possible. The Library Director or Trustee will ask the officer to allow consultation with legal counsel prior to the search, and if the officer agrees, the Director/Trustee will contact the municipal attorney for advice. A search warrant must be executed immediately upon service. However, the search warrant must be specific as to the information requested, and information outside of the scope of a search warrant cannot be released.

4. The USA Patriot Act requires a search warrant and not a subpoena. A search warrant must be executed immediately upon service. A subpoena allows a party a period of time to respond.

### **Borrower Privacy**

We request email contact information in order to provide information about the library's services and upcoming events as well as reminders of the status of items. Cardholders may sign up for email notifications, or unsubscribe from email notifications, at any time by contacting the library. We do not sell cardholder information to third parties or reveal cardholder information except as required by law.

The library is not responsible for the privacy and security practices of non-library websites and email providers that are accessed from a library workstation or through a mobile device using our wireless network. Users are responsible for reviewing each site's policies and security practices and for taking reasonable precautions.

Library users may designate another person as their agent, authorizing library staff to share information about their account with the designated agent, by contacting the library or by asking library staff to make a note in their patron record naming the designated agent(s).

### **Use of Facilities**

There is no reasonable expectation of privacy when a person is physically present inside a public building. For that reason, library staff may respond to questions from law enforcement officers about a person's presence in the library.

- If a law enforcement officer asks staff for information from a patron's library account, we will follow the procedure outlined above (in **Lawful requests for confidential information.**)
- If a law enforcement officer has provided valid identification, shows library staff a photo of a person and asks if that person was in the library during a designated time period, staff should answer the inquiry to the best of their ability. In this instance, the library user was inside a public building and has no expectation of privacy

Nothing in this policy will be construed to limit the public's right to access library information under the Open Public Records Act (OPRA).

Any questions or problems related to the privacy of library records that are not covered by this policy should be referred to the Library Director. The Director will then consult with the Library Board and attorney (if necessary) to clarify the policy.