

# Mount Morris Library

121 Main Street

Mount Morris, New York 14510

## Confidentiality of Library Records Policy

The Pioneer Library System acknowledges its responsibility under New York State Civil Practice Law & Rules, Section 4509 to maintain the confidentiality of library records which contain the names or other personally identifying details regarding the users of our member libraries. Such information shall not be disclosed except as specified in law and with the advisement of Pioneer Library System legal counsel.

### New York Civil Practice Law & Rules Section 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.*

### Personally identifying information collected by PLS Member Libraries

Pioneer Library System (PLS) collects the minimum personally identifying information (PII) necessary to conduct library-related business, including the circulation of library materials, contacting library patrons regarding library transactions and services, and connecting to third-party services that support library services.

PLS maintains certain administrative information regarding the use of PLS information systems and managed computer services accessed by individuals through member libraries or via remote access. This information is kept for administrative purposes only.

### Appropriate use of PLS Information Resources

Data collected about library patrons and transactions is used only to conduct library-related business, the administration of library services, and to assist the specific person to whom the information pertains.

## Employee Confidentiality Agreement

All PLS Member Library and System staff, in order to have access to PLS information systems, are required to read this Confidentiality of Library Records Policy and agree to its contents. Agreement indicates their understanding that access to these systems, manual and automated, containing PII and other library record data is limited to the requirements of their job, and such information is not to be disclosed to the unauthorized persons.

Member Libraries may collect agreements from staff using any form they wish providing the agreement upholds this policy. Member Libraries will be required to attest to PLS on an annual basis that all staff have agreed to the Confidentiality of Library Records Policy. As new or promoted staff are expected to perform tasks involving patron information, the confidentiality policy must be presented and agreed to by said staff member(s).

## Requests for Information from Law Enforcement Agencies

No PLS Member Library staff or PLS System staff other than the director or director's designee is authorized to respond to any form of judicial process or to provide any patron-specific or library-business information, in writing or in oral form, to a law enforcement officer or other person.

No individual data or transactions may be divulged to third parties except by court order.

In the event a PLS Member Library staff person or System staff person is requested to provide patron information to any outside agency or individual the following procedures or appropriate local library procedures must be followed:

1. The staff member receiving the request to examine or obtain information relating to circulation, computer activity or other records identifying the names of library users, will immediately ask for identification, then refer the person making the request to the director, or designee in the director's absence, who shall explain the institution's confidentiality policy. The staff member will not disclose any information.
2. The director, upon the receipt of a process, order, or subpoena, shall consult with legal counsel to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance. The director should contact the PLS Executive Director.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be corrected before any records are released. Without documents in proper form, law enforcement has no authority to compel disclosure of any information, other than the name of the person speaking to law enforcement officers.

4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation, computer or other records identifying the names of library users shall be reported to the director immediately.
5. If the document is a search warrant that authorizes immediate search and seizure, inform the officer that the library director and legal counsel will be contacted immediately and request the patience of the officer. (The officer may inform you that the warrant is “secret”. This does not preclude the notification of the director and legal counsel.) If the officer declines to wait, carefully inspect the warrant and monitor the search.
6. Retain a copy of the warrant and request an inventory of the materials in question. Offer the officer a copy of any data requested. At the conclusion of the search immediately make a written record of all events that transpired.
7. Add the copy of the warrant, request documents, and the written record of the event to your incidents file or appropriate storage area.

*Adopted and Approved by Mount Morris Library Board of Trustees — February 2021*