

Naples Library Policy Confidentiality of Library Records

The Naples Library complies with NY CPLR 4509 regarding the confidentiality of patron records: “Records related to the circulation of library materials 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 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.”

If a law enforcement agent or government investigator requests any patron information:

Do NOT supply ANY information AND immediately contact the library director to handle the situation.

If the library Director/Manager is not in the building, the clerk on duty is responsible for contacting the Director/Manager at home to ask for their return to the library and in the meantime, for working with the government investigator in accordance with the procedures outlined below.

Director/Manager should contact the Board of Directors, the library’s legal counsel, and OWWL Library System staff, as needed, in handling these matters.

Under no circumstances should a library staff member discuss the request for information with anyone other than those listed above. Any outside requests for information about the investigation shall be handled by the Library Director/Manager or designee.

Procedure for Complying with Records Requests

1) Ask to see identification of the agent(s) and write down the name(s), agency(ies) and identification/badge number(s). In the event that those claiming to be a law enforcement agency or other agents refuse to show identification, contact the local police (911) immediately and ask for officers to come to the library to work with the requestors.

2) Requests for library records must be accompanied by the appropriate documentation (except for C).

Follow the procedures below depending on the documentation provided:

A) If presented with a subpoena, the Director/Manager or authorized staff member will contact the Board. The Director/Manager will contact the library’s legal counsel. The legal counsel will review the documents and identification information and decide how to proceed.

B) If the agent presents a warrant, the search is executable immediately. Ask to have library counsel present before the search begins, in order to allow library counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. The search warrant may allow for the confiscation of library computers or records. Cooperate with the search and monitor it, to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. Compile an inventory, including serial numbers, for any items taken.

If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA)USA Patriot Act Amendment, it contains a gag order. Follow the regular search warrant procedures, but recognize that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. The gag order does not prevent library staff from contacting the library Board of Directors or library legal counsel.

C) Emergency situations ("exigent" circumstances or those involving immediate danger) may be declared by the investigating officers. In this case, there will be no paperwork. Write down the agent's name and badge number, and reason given for the need to conduct a search before presenting court documents; ask to contact the library's legal counsel, and ask that the search wait until the legal counsel has arrived. In this situation, the investigating officers are required to provide the appropriate documentation within a certain period after the search has been conducted.

If the officer does not have proper paperwork or does not describe exigent circumstances, NO information should be given out.

3) Write up an incident report, identifying the agent, agency, identification/badge number, information requested, information/items provided, and attach any pertinent paperwork.

4) Under no circumstances should a library staff member discuss the request for information with anyone other than library staff members, the Board of Directors, the library's legal counsel or OWWL staff members. Any requests for information about the investigation shall be handled by the Library Director/Manager or designee.

This policy may be amended by the Naples Library Board of Trustees at any time. Adopted by the Naples Library Board of Trustees on September 15, 2015. Reviewed 3/22/2018. Revised 7/20/2023.