

Waverly Public Library
1500 West Bremer Avenue
Waverly, IA 50677
319-352-1223
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Waverly Public Library Confidentiality of Library Records Policy

The Board of Trustees of the Waverly Public Library respects the privacy of users and recognizes its responsibility to protect their privacy.

This policy is meant to protect the privacy of library users while complying with the Constitution of the United States of America, the First and Fourth Amendments, the United States Code, the Code of Iowa, and the Code of Ethics of the American Library Association.

Section A. References

Constitution of the United States of America

First Amendment: Congress shall make no law...abridging the freedom of speech...

Fourth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

USA Patriot Act (which includes amendments to the Foreign Intelligence Surveillance Act and the Electronic Communications Privacy Act). USA PATRIOT Act (Public Law 107-56).

Code of Iowa 22.7 "Examination of Public Records (Open Records)"

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information...:

22.7.13 The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

22.7.18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.

Code of Ethics of the American Library Association: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted."

Section B. Policy

Confidentiality is essential to protect the exercise of rights under the Constitution of the United States of America, the First and Fourth Amendments, United States Code, the Code of Iowa, and the Code of Ethics of the American Library Association

1. The library will not reveal the identities of individual users nor the information sources or services they consult unless required by law. Confidentiality extends to information sought or received and materials consulted, borrowed, or acquired. Confidentiality includes database search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of library materials, facilities, or services.
2. The library will hold confidential the names of card holders and their registration information and not provide access for private, public, or commercial use.
3. The lawful custodian of the records is the Director of the Library.
4. The library will not release registration, circulation, or other records protected under the Iowa Code unless it is required by law to release the information. Circumstances which may require the library to release the information include the following:
 - a. A criminal or juvenile justice agency is seeking the information pursuant to an investigation of a particular person or organization suspected of committing a known crime AND the criminal or juvenile justice agency presents the library Director with a court order demonstrating that there has been a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.
 - b. The library receives a Warrant for the information issued under the USA Patriot Act.
 - c. The library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.
 - d. The library receives a valid court order requiring the library to release registration, circulation or other records protected under the Iowa Code and the information is not sought in conjunction with a criminal or juvenile justice investigation.

Section C. Procedures

1. **REQUEST TO CUSTODIAN OF THE RECORDS.** The library staff member receiving a request to examine or obtain information relating to registration records or circulation records or other records identifying the names of library users, shall immediately refer the requestor to the Director, the official custodian of the records.

(To prevent any misunderstanding, the staff member should avoid discussing with the person making the request what user information may or may not be available, or what the library can or cannot do.)

If the library Director is not available (such as during evenings or weekends or away on business), the library staff member informs the requestor when the Director will be available. If pressed to act sooner, the library staff member contacts the Director immediately. In the event the Director cannot be reached, the highest ranking person on duty is responsible for working with the requestor.

2. **COURT ORDER, WARRANT, OR NSL.** The library Director shall meet with the requestor of the information. If the requestor is a law enforcement officer, the officer must have a court order, a warrant issued under the USA Patriot Act, or a National Security Letter (NSL) issued under the USA Patriot Act to receive the requested records. If the officer does not have a proper court order, warrant, or NSL compelling the production of records, the library Director shall refuse to provide the information.

3. LEGAL COUNSEL. If the records requested cover registration, circulation, or other records protected under the Iowa Code, and the Director is uncertain about whether the order, or subpoena presented to the library Director is sufficient to require release of the records, the library Director may immediately consult with legal counsel to determine if such process, order, or subpoena is sufficient to require release of the records.
4. DEFECTS. If any written request, process, order, or subpoena is not in proper form or does not otherwise appear to be sufficient to support releasing the records, the library Director shall insist that such defects be cured before any records are released.
5. RELEASE. If the library Director or the Director in consultation with library's attorney determines that the order, warrant, or NSL is sufficient and compels the release of the records, the library Director shall release the records.
6. GAG ORDER. If the request is made pursuant to the USA Patriot Act, the library Director is authorized to obtain legal counsel regarding the request. As required by the USA Patriot Act, the library Director shall not discuss the request with anyone other than legal counsel.
7. REFUSAL. If the requestor is not a law enforcement officer and has not presented any type of court or administrative order requiring release of the requested information, the library Director shall refuse to provide the requested records.
8. FURTHER LEGAL ACTION. The library Director is authorized to take legal action (such as moving to quash a subpoena) to resist releasing requested registration, circulation, or other records protected under the Iowa Code if the library Director and the library's legal counsel deem such action to be appropriate.
9. REPORTS FROM STAFF. Any threats or unauthorized demands (i.e. those not supported by a written request, process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Director. Any other problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the Director.

Section D: Local contacts.

Library's Legal Counsel is:
Gerald Carney
319-352-3848
319-352-3932 (fax)
Carney Law Office
PO Box 786, 108 2nd St. NE
Waverly, IA 50677

Director and official custodian of the records is:
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