

## **Somers Library**

### **Policy on Confidentiality of Library Records**

The Council of the American Library Association strongly recommends that the responsible officers of each library adopt a policy recognizing that its circulation records and other records identifying the name of library users are to be confidential in nature. This is in accord with the Code of Ethics of the American Library Association which states that "We protect each library user's right to privacy and confidentiality with respect to information sought or received, and materials consulted, borrowed, acquired or transmitted."

The Council's statement recommends that all librarians and library employees should be advised that such records shall not be made available for review outside of valid library uses, except under very limited circumstances. These circumstances would normally only result from any process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power. Upon receipt from a court of competent jurisdiction, the library's officers will consult with their legal counsel to determine if there is a showing of good cause for its issuance. If the process, order, or subpoena is not in proper form or if good cause has not been shown, they should insist that such defects be cured.

The Somers Library Board of Trustees endorses these Council recommendations, and supports and complies with Federal and New York State Law with respect to the confidentiality of library records. All library records relating to an individual patron's use of the Somers Library and its resources are confidential. These records may be consulted and used by library staff in the course of carrying out library operations, but will not be disclosed to others except upon the request or consent of the library user, or pursuant to process, court order or subpoena, or otherwise required by law. This determination and disclosure may be made only by the Library Director, or designated alternate, after consultation with the President of the Library Board of Trustees, the Town Supervisor and the Town Attorney when the law allows time for such consultation.

The Somers Library's procedures for implementing this policy on Confidentiality of Library Records include the following:

1. The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users, will immediately refer the person making the request to the Library Director, or designated alternate if the Library Director is not available, who shall explain the confidentiality policy.
2. The Director or designated alternate, upon receipt of such request, process, order, or subpoena, shall consult with the President of the Library Board of Trustees, the Town Supervisor and the Town Attorney to determine if such request, process, order, or subpoena is in good form and if there is a showing of good cause for its

issuance. If the law does not provide time for such consultation, the Library Director, or designated alternate, shall use their best judgment under the circumstances regarding compliance or noncompliance. All conditions of the service regarding notification of others, etc. must be strictly adhered to.

3. If the request, 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 cured before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of *subpoena duces tecum* [bring your records] requiring the responsible trustee or library director to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation or other specified records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the President of the Library Board of Trustees, the Town Supervisor and the Town Attorney.
5. Any 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 Library Director, the President of the Library Board of Trustees, the Town Supervisor and the Town Attorney.

This Policy was reviewed by the Town Supervisor and Town Attorney and was adopted by the Somers Library Board of Trustees on April 9, 2003.

## **Somers Library**

### **Freedom to View Policy**

The freedom to view, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore, these principals are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to ensure the constitutional guarantees of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.

5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was endorsed by the American Library Association Council on January 10, 1990.

This Policy was reviewed by the Town Supervisor and Town Attorney and was adopted by the Somers Library Board of Trustees on April 9, 2003.