



## Moffat Library of Washingtonville

# CONFIDENTIALITY OF LIBRARY RECORDS

### POLICY:

The Board of Trustees of the Moffat Library of Washingtonville affirms that the tax-supported public library, as a citadel of information and lifelong, independent learning, exists to provide access to information and ideas from all points of view. The release of circulation records would have a chilling effect on such access. Fear of public disclosure, particularly among those who read or view controversial or unorthodox materials, would result in deterring citizens from seeking information through their library.

Therefore, the library shall make every reasonable and responsible effort to see that information about a patron and his or her choices remain confidential.

### PRACTICE:

In accordance with *Section 4509 of the New York State Civil Practice Laws and Rules*, **no information about a library patron shall be given, made available, or disclosed to any individual, corporation, institution, government agency, or agency without a court order or a court-ordered subpoena.** This includes:

- 1) A patron's name (or whether an individual is a registered borrower or has been a patron).
- 2) A patron's address.
- 3) A patron's telephone number.
- 4) The library's circulation records and their contents.
- 5) The library's records pertaining to a patron and relative to reference queries; title records; reserve requests; use of audiovisual materials, films, recordings or computer/internet (including websites visited).
- 6) The number or character of questions asked by a patron.
- 7) The frequency or content of a patron's lawful visits to the library or any other information supplied to the library (or gathered by it).

Upon presentation of a valid court order or court-ordered subpoena, the Library Director shall consult with the library's attorney to determine the possible avenues of relief from the order until such a time as proper showing of good cause has been made in a court of competent jurisdiction.

All library employees are instructed to comply with the guidelines set forth in this policy and practice statement. Library service records shall be disclosed only as necessary for the customary functioning of the library (e.g., for the prompt retrieval of overdue materials or payment of fines, or for the recovery of lost materials).

### ***Staff Instructions:***

- 1) Under no circumstances shall library staff provide information of any kind about an individual library user.
- 2) If approached to give information on library records, refer the requestor to the Supervisor.
- 3) Supervisor should explain policy to requestor.
- 4) If requestor wishes to continue, refer them (sic) to the Library Director.

**ADDENDUM TO POLICY ON  
CONFIDENTIALITY OF LIBRARY RECORDS**

**RE: The USA PATRIOT ACT**

**Practice:**

The passage of the USA PATRIOT ACT in 2001 greatly expands the authority of the federal government to obtain library records and secretly monitor all electronic communication. The law prohibits libraries and librarians from informing users of such monitoring or information requests. The Moffat Library of Washingtonville will make every effort to support legislation that would offer to all library patrons the greatest degree of confidentiality possible.

In addition, the Library shall post in a prominent place within the library and on the Library's website a notice to library users as follows:

WARNING: Although the Moffat Library of Washingtonville makes every effort to protect your privacy, under the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits library workers from informing you if federal agents have obtained records about you. Questions regarding this policy should be directed to:

The Office of Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, NW,  
Washington, D.C. 20530-0001.

This notice will remain until there is a change or repeal of the USA PATRIOT Act.

*Approved as Amended 10/27/03  
Amended July 1, 2021  
Moffat Library Board of Trustees*