



PRIVACY POLICY

The staff and Trustees of the Township of Washington Public Library recognize the need to protect library users' right to privacy regarding the questions asked and the materials borrowed.

POLICY

Our Policy states that: 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. The records of patron use of library resources, materials or services are confidential. Patron borrowing records are protected by New Jersey Statute. No staff member or trustee shall reveal the borrowing history of an individual except under the circumstances outlined by this procedure.

NEW JERSEY LAW

N.J.S.A. 18A:73-43.2. Confidentiality of library users' records

Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:

- a. The records are necessary for the proper operation of the library;**
- b. Disclosure is requested by the user**
- c. Disclosure is required pursuant to a subpoena issued by a court or court order.**

PROCEDURE

A patron may request that staff identify items currently charged to his/her card. If a parent possesses their minor child's card library staff will honor requests for the disclosure of information related to that card. Children over the age of 10 years and having full possession of their library card will have their records protected.

Some records may require a special search of the transaction database maintained by the Bergen County Cooperative Library System (BCCLS). Township patron records and bibliographic records are owned by the Township Library. In the unusual circumstance that a record of an item transaction needs to be documented, the Library Director will make a request to the Bergen County Cooperative Library System.

LAWFUL REQUESTS

All records concerning library users, materials used or checked out by users and computer use are confidential and will not be made available to any agency of the federal, state, county or local governments or to any other person unless a court order or search warrant requiring



disclosure has been entered by a court of competent jurisdiction or persons acting within the scope of their duties in the administration of the library. The Library is legally required to comply with information requests pursuant to the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruction Terrorism Act, P.L. 107-56, Oct 26, 2001).

In providing information pursuant to this act or by other court order

The Library shall follow the following procedures.

1. Any requests for information regarding a library user are to be referred to the Library Director, or designee, who will explain the Library's policy and the New Jersey law.
2. If the Library staff member is presented with a subpoena, he/she is to refer the presenter to the Library Director or the Directors designee, who is to contact the Library's attorney to verify its validity and advise the Library of what action to take. The President of the Library Board and Borough Administrator shall also be notified of the request immediately.
3. If the Library staff member is presented with a search warrant from a law enforcement officer, he/she is not to interfere with their search and seizure. The staff member is to contact the Library Director, or designee, as soon as possible, that a search warrant has been served so that the Director can ask the officer to allow them to consult with legal counsel and to ask that the Library's counsel be present during the search. Whether or not the law enforcement official agrees to await the arrival of counsel, the Library's attorney shall be contacted. Library staff shall not interfere with a search conducted with a search warrant. A search warrant must be specific as to the information requested. Information outside of the scope of a search warrant should not be released.

Under the USA Patriot Act, the person whose records are subject to a search warrant may not be notified that a search warrant has been served. A supervisor or the Library's attorney may be contacted without a violation of the act. Staff shall not inform anyone else of the existence of the search warrant. Intelligence Surveillance Act (FISA) court is permitted to retrieve library usage records of someone who is under investigation of involvement in an ongoing terrorist or intelligence investigation. The USA Patriot Act requires a search warrant and not a subpoena. A search warrant can be executed immediately upon service. A subpoena, on the other hand, allows a party a period of time to respond to and contest same.

Adopted by the Library Board of Trustees 5/19/15.