



Policy Regarding Release of Information

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1. CONFIDENTIALITY

A. The New York State Confidentiality Law protects the privacy rights of library users. This law prohibits the release of any information relating to the name of a person and his/her library use without a properly executed subpoena from a court of law. Under this law, we cannot:

- Tell a third party whether a person has a library card
- Tell a parent what his/her child has borrowed, even if it is overdue
- Send a reserve notice or reminder on a postcard
- Reveal the nature of someone's reference question to another person
- Tell someone over the phone what they may have charged out or overdue, since no personal identification is presented

The above prohibitions are not all-inclusive.

B. The law in its entirety reads as follows:

“Library records. Library records, 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, including but not limited to records pertaining to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audiovisual materials, films or records, 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.”—

from New York Consolidated Laws: Civil Practice Law and Rules Section 4509, 1988

2. RESPONSE TO SUBPOENAS OR SEARCH WARRANTS

The following guidelines will be strictly followed by all employees of the Sharon Springs Free Library in regards to Subpoenas and Search Warrants concerning the library's records and property.

A. **SUBPOENAS:** In the event that any person attempts to serve a subpoena on an employee of the library, that employee will tell the person that no employee of the library may accept any subpoena regarding library business and records. The employee will tell the person attempting to serve the subpoena that it must be served on an Officer of the Board of Trustees. The employee may provide the person attempting to serve the subpoena with the names of the officers of the Board of Trustees. When any Officer of the Board of Trustees accepts a subpoena, all other Trustees must be notified and an emergency meeting shall be held within 48 hours to discuss the course of action to be taken in regards to the subpoena.

- B. **SEARCH WARRANTS:** In the event that law enforcement officials advise any employee or member of the Board of Trustees that a search warrant is to be executed on the library, the person so advised will cooperate fully with the authorities and as soon as possible will ensure that all Trustees are made aware of the search. A meeting of the Trustees will be held within 48 hours to discuss the issue.

- C. Additionally, in no case may a Library Trustee or an employee while acting in their official capacity provide any information regarding library records to any person without written legal justification.