

SUGGESTED PROCEDURES FOR IMPLEMENTING “POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS”

When drafting local policies, libraries should consult with their legal counsel to ensure these policies are based upon and consistent with applicable federal, state, and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy. (See Interpretations to the *Library Bill of Rights*, including *Access to Electronic Information, Services, and Networks* and *Privacy*.)

Suggested procedures include the following¹:

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 must immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, the library should insist that such defects be cured before any records are released.
4. The legal process requiring the production of circulation or other library records is ordinarily in the form of a subpoena *duces tecum* (bring your records) requiring the responsible library officer to attend court or to provide testimony at his or her deposition. It also may require him or her to bring along certain designated circulation or other specified records.
5. Staff should be trained and required to report any threats or unauthorized demands (e.g., those not supported by a process, order, or subpoena) concerning circulation and other records to the appropriate officer of the institution.
6. Any problems relating to the privacy of circulation and other records identifying the names of library users that are not provided for above shall be referred to the responsible officer.

¹See also Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and its Staff

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