

## **BETHEL PUBLIC LIBRARY**

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### **BETHEL PUBLIC LIBRARY POLICY ON PRIVACY AND CONFIDENTIALITY OF LIBRARY RECORDS**

The complete text of the U.S.A. P.A.T.R.I.O.T. Act as well as Connecticut General Statute 11-25b, along with subsequent interpretations of the statute made by the State's Attorney General's office, pertaining to the confidentiality of library circulation records are available at the library. Patrons are encouraged to refer to these documents for further information.

#### **SECTION 1: LIBRARY RECORDS CONSIDERED CONFIDENTIAL**

The Bethel Public Library strives to preserve the privacy of its circulation records and treats them with confidentiality. Section 11-25(b) of the General Statutes of Connecticut states, "Notwithstanding the provisions of section 1-210, personally identifiable information contained in the circulation records of all public libraries shall be confidential." Pursuant to this statute, and as recommended by the American Library Association and the Connecticut Library Association, the Bethel Public Library recognizes the following information as confidential in nature and not available except as outlined in Sections 2 and 4 below.

1. Circulation records, including but not limited to, titles and number of items checked out, held on reserve, overdue, or borrowed from another library through interlibrary loan;
2. Patron registration records that are prerequisite to borrowing library materials; and,
3. Computer traceable or stored information or records of what a library patron viewed on the Internet while using a public library computer terminal.

#### **SECTION 2: U.S.A. P.A.T.R.I.O.T. ACT**

On October 26, 2001, the United States Congress enacted a law entitled the USA PATRIOT Act. This is an acronym meaning **U**niting and **S**trengthening **A**merica by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism. Section 215 of the Act, which allows the government to search library records, has created a great deal of concern in libraries across the country. In response, both the American Library Association and the Connecticut Library Association have passed resolutions regarding the Act. The Bethel Public Library Board of Directors has endorsed the resolutions. The resolutions are posted in the library for the information of patrons.

Among other provisions, the USA PATRIOT Act: 1) authorizes the FBI, or any police department deputized by the FBI, to compel immediate production of records from a library including circulation, borrower registration, and Internet usage records, without probable cause,

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2) prohibits a library employee who receives such a request under this law from talking with anyone, except an attorney, about the request, 3) prohibits notification to a patron that his/her records have been requested, and 4) preempts and overrides all state laws declaring library records to be confidential.

**SECTION 3: RECORDS RETENTION**

The library shall endeavor to create and maintain only records necessary to the efficient operation of the library. Records shall be maintained until they are no longer considered necessary and then shall be destroyed. The library shall follow the Records Retention Schedule as outlined by the Public Records Administration of the State of Connecticut.

**SECTION 4: SURRENDER OF RECORDS**

Information contained in records specified in Section 1 above shall not be made available by any Bethel Public Library employee, Director, or associated person to any person or to any agency of the state, federal or local government without the individual's authorization except pursuant to such 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 power.

Except as provided in Section 2 hereof, patron information as specified above will be provided to the proper authority when a proper show of good cause has been made in a court of competent jurisdiction. Upon receipt of such process, order or subpoena, the Bethel Public Library Board of Directors will consult with Town Counsel or other legal counsel to determine if such process, order or subpoena is in proper form and 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 will insist that such defects be cured before compliance is granted.

**SECTION 5: DISCLAIMER**

The library's automated system, including its circulation records, is connected to an offsite vendor system. Eradication of all patron information at these offsite locations cannot be guaranteed. Patrons should also be aware that the Library has no control over any data that a library computer user sends to another computer server during an Internet session, and although transactions are erased regularly, data can remain on the hard drive of a computer, allowing sophisticated software to later locate the data. In addition, national security systems or computer hackers may possibly monitor computer searches.

**SECTION 6: POLICY EFFECTIVE DATE, AMENDMENTS, AND REVISIONS**

This policy is effective upon approval of the Library Board of Directors. Amendments

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and/or revisions to this policy shall be formulated and recommended to the Board by the Policy Committee. The policy may then be amended and/or revised at the regular meeting of the Board, following the meeting at which the amendment and/or revision was proposed.

Adopted by the Library Board of Directors January 22, 1980 as *Confidentiality of Library Records Policy*

Reviewed 4/25/88

Revised and approved 9/23/02

Revised and approved with current title 8/25/03