

MNG-1 PRIVACY AND CONFIDENTIALITY

Policy Statement:

The Manhattan Public Library recognizes the need to safeguard the privacy of library patrons' personally identifiable information. The choice of library materials and use of the informational services of the library is a private endeavor for each individual patron. To make full use of library resources, patrons must not feel constrained by the possibility that others may become aware of their presence in or use of the library, what books they read, the resources they use, the questions they ask, or have any personally identifiable information. The Manhattan Public Library will make every reasonable and responsible effort to see that information about patrons and their choices remains confidential. This applies to all information collected by or submitted to Manhattan Public Library in person, in writing, or via phone, chat, or the Web.

The library endorses the Code of Ethics of the American Library Association, which states, "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." (<http://www.ala.org/tools/ethics>)

Definition:

Personally identifiable information is defined as information that can be used on its own or with other information to identify, contact, or locate an individual. This may include, but is not limited to, names, addresses, email addresses, telephone numbers, library card numbers, social security numbers, credit card numbers, birthdates, and video recordings.

Regulations:

1. Users may conduct only legal activity while using library resources and services. Nothing in this statement prevents the library from exercising its right to enforce rules of behavior, protect its facilities and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes. Staff is authorized to take immediate action to protect the security of library users, staff, facilities, computers and the network. This includes contacting law enforcement authorities and providing information that may identify the individuals perpetrating a crime or a violation of library use policies.

2. The Director is the official custodian of records for the Manhattan Public Library. As the official custodian of records, the library Director is the person responsible for responding to any request for library records or information about a library user. The library Director may designate one or more library employees to serve as persons responsible for responding to any request for library records or information about a library user when the library Director is absent or unavailable.

3. No library employee or volunteer may release library records or reveal information about a library user to any third party or law enforcement agents unless authorized to do so by the library Director, or the Director's designated alternate or procedures in this policy. In all circumstances, employees and volunteers will follow the procedures set forth in this policy before responding to requests for library records and user information.

4. The Kansas Open Records Act (Kansas Statutes Annotated 45-221 as amended) defines records which are not required to be disclosed at the requests of citizens or public officials. Records that are not within the specific definitions are "open records" and are available for public examination.

Among records **that are not required to be disclosed** are:

- Exception 23 – Library patron and circulation records which pertain to identifiable individuals.
- Attorney General Opinion 95-64 outlines that open records accessed through electronic means require the same written policies as any other.

The library will not disclose personally identifiable information about individual patrons to any requester unless required to do so by law.

This information includes:

- The identity of users (names, addresses, email addresses, telephone numbers, library card numbers, social security numbers, birthdates)
- Materials users have borrowed from or through the library
- Fines owed, paid, or waived
- Online services used
- Reference consultations conducted in person, via phone, email or live-chat

This type of information is confidential and may only be released under very specific circumstances as outlined in the procedures section of this policy.

5. The library requires only the personally identifiable information reasonably necessary, and retains it for the shortest length of time possible. Information we gather and retain about current library users includes the following:

- Information required to register for a library card
- Records of materials checked out, charges owed, and payments made
- Requests for interlibrary loan or reference service
- Sign-up information for reading clubs or other library events
- Email lists for distribution of library information

6. The library will not sell, lease, or otherwise distribute or disclose a patron's personally identifiable information for non-library purposes to outside parties unless required by

law or with the consent of the patron, and personal information will not be shared with or sold to third parties for marketing purposes.

7. The library may share information such as library card number to third parties offering services subscribed to by the library.
8. The library may retain email correspondence with patrons, including email messages and addresses.
9. The library may collect website information about how the website is used. This information is collected on an aggregate basis, and is not associated with individual users.
10. The library's secure server software encrypts confidential personal credit card information provided at point of sale and via the library's website.
11. Patrons can access their personally identifiable information via their library account through the library's website or online catalog. Patrons can change their contact information and preferences, password, and turn on or off maintaining a history of their checkouts.
12. The library is not responsible for the practices employed by websites linked to or from the library's website, nor the information or content they contain. Browsing and interaction on any other website, including websites which have a link on the library's website, is subject to that website's own rules and policies.
13. Some library electronic services, such as the catalog and remote databases, place temporary cookies for current sessions. These cookies do not capture personally identifiable information, and are deleted when the sessions end. Patrons can set browsers on their personal computers to refuse cookies, which may result in their inability to access some library services.
14. The library is concerned about the issue of children's privacy. Children are afforded the same level of privacy and confidentiality in their use of the library as adults. The library encourages parents and caregivers to be aware of their children's online activities, and to educate them about the importance of not revealing personal information online.

Procedures:

1. Requests from an individual:

Library staff shall not release any information about a user to any other individual, without the user's consent. Consent is given if the patron gives their library card to another individual, or if the user's account is linked to the person requesting the information.

2. Requests from Law Enforcement Officials:

If anyone approaches or contacts a staff member alleging to be a law enforcement official requesting information, staff should follow a, b, and c of this section.

- a. Inform the officer that the library Director is the individual authorized to respond to requests for records and information, and library policy requires you to refer the officer to the Director or to a designated alternate to respond to requests for records and information.
- b. Ask for the officer's identification. Record the information including name, agency, identification number, and contact information. If possible ask another staff member to be present during the interview with the officer.
- c. If neither the library Director nor a designated alternate is present, a written report describing the officer's inquiry must be provided to the library Director at the earliest opportunity.

Without Written Documentation (i.e., subpoena or search warrant):

The library is not under any obligation to provide information in response to a request for information without a subpoena, search warrant or other legal request.

In the interest of protecting the confidentiality of our users, no information will be provided. Staff will refer the requesting officer to the Director or their designee. If the Director or designee is not available, a Librarian-In-Charge will explain our policy and will inform them that library administration will contact the officer as soon as possible. Staff will then obtain the officer's information, and make a written report for the Director.

If the officer persists, or claims that there is an emergency or other circumstance that would require the library to turn over records without a court order, staff should call the library Director or designee. Legal counsel may be contacted.

With a Subpoena:

Generally a subpoena does not require an immediate response from the library or its staff. There will be time for the Director to respond to the request.

When a law enforcement official presents a subpoena to the library, staff will refer the requesting officer to their immediate supervisor who will contact the Director or designee immediately. Staff should not provide the requested information. The Director or designee will talk to the law enforcement officer and review the subpoena for legal sufficiency, which will determine if the library will release any information. Legal counsel should be consulted.

With a Written Warrant for Search and Seizure:

A written warrant for Search and Seizure generally requires immediate compliance with the request on presentation.

Staff who received the request should notify the Director or designee immediately. The request should be handled in the following manner:

- The library's attorney should be called to review the warrant.
- Ask the officer if they would be willing to delay the search until library's legal counsel arrives.
- If the officer will not wait for legal counsel:
Read the warrant and any attached documentation. Verify that it is signed by a judge and issued by a local, state, or federal court. It is possible to verify the validity of the warrant by calling the issuing court.
- Identify the items requested in the warrant. Do not provide any information or records or equipment not named in the warrant.
- Assist the officer in locating the items or records identified in the search warrant.
- Do not agree to any additional searches or volunteer information about the items or records in the warrant.
- Do not sign any documents on behalf of the library without the advice of the library's legal counsel.
- Copy all documents seized when feasible and ask the officer if they will accept the copies rather than the originals. If copying all documents is not feasible, ask the officer to provide an inventory of the items or records that were seized. Ask if it is possible to make a copy of the warrant for the library's own records. If they do not provide documentation, staff should document to the best of their ability a list of what was seized.
- Do not obstruct the search in any way.
- If law enforcement officials do not cooperate with you, step aside and let them do their job.
- All notes and records will be turned over to the library's legal counsel.

Under certain circumstances, the existence of the warrant or subpoena must be kept confidential. (For example, subpoenas issued pursuant to an investigation, FISA or Patriot Act, or otherwise subject to a gag order.) If the law enforcement officer informs staff that the warrant must be kept confidential, or if the warrant or subpoena indicates that it must be kept confidential or is subject to a gag

order, then library staff may be forbidden to discuss or publicize the fact that such a search warrant was executed. In this case, you should notify the Director and legal counsel, but do not notify any other library staff except for those staff members necessary to gather the requested records or other items. Instruct all staff members who assist in responding to that warrant or subpoena, that they cannot inform other library staff or any other person about the order unless authorized to do so by the library's legal counsel. If library staff other than the Director or designee is required to respond to a subpoena or warrant that must be kept confidential or is otherwise subject to a gag order, staff should inform the library Director as the custodian of records.

The library's legal counsel is provided by Arthur-Green LLP at (785)537-1345.