

Privacy, Subpoenas, and Search Warrants

Purpose

The Robbins Library strives to protect the privacy of library patrons to the fullest extent of the law. The Robbins Library adheres to the ALA (American Library Association) Code of Ethics, which includes the following statement: "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 Robbins Library also follows the Massachusetts General Laws Chapter 78, Section 7, which states "that part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record."

Policy

Library departments will retain only as much information as required to provide services. Personal information about patrons will be discarded as soon as it is no longer needed. The library keeps no permanent record of Internet sites visited, electronic databases used, or searches performed by patrons.

Robbins Library staff must strive to protect the confidentiality of patron records. No staff member shall, at any time, disclose any personally identifiable patron or library user records including, but not limited to, circulation records, patron registration records, patron e-mail and computer records, interlibrary loan requests, or reference requests, to any other patron.

Library staff will not fulfill public requests for information about library patrons.

No confidential information about library patrons shall be made available to any agency of federal, state or local government 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.

Upon receipt of such process, order, or subpoena, the Library Director will consult with Town 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, such defects must be corrected.

The USA PATRIOT Act overrides state library confidentiality laws. It allows an FBI agent to obtain a search warrant for "any tangible thing", which can include books, records, papers, floppy disks, data tapes and computers with hard drives. It permits the FBI to compel production of library circulation records, Internet use records, and registration information stored in any medium. It does not require the agent to demonstrate probable cause, only that the agent believes the records may be related to an ongoing investigation. Staff should refer to the "Procedure for Responding to Requests from Law Enforcement Officials Related to the USA PATRIOT Act."

Adopted by the Board of Trustees 12/14/04; revised 1/10/12; revised 12/8/14, revised 5/10/16.

Procedure for Responding to Requests from Law Enforcement Officials Related to the USA PATRIOT Act

The USA PATRIOT Act was designed to broaden the surveillance capabilities of law enforcement following the terrorist attacks of September 11, 2001. The Act contains provisions governing criminal and foreign intelligence investigations and in doing so affects state and local privacy laws. Since its passage, libraries have seen an increase in law enforcement inquiries. Authorities have sought access to patron records

The USA PATRIOT Act overrides state library confidentiality laws. However, an FBI agent **must produce a search warrant to obtain library records.**

- 1) Staff should ask immediately for identification if they are approached by an agent or officer.
- 2) Staff should refer the request immediately to the Library Director or Assistant Director if they are in the building. If they are not available, the request should be referred to the senior staff member in charge of the building who will immediately contact the Town Counsel's Office (x3151, 3152).
- 3) If the Town Counsel or Assistant Town Counsel is not available, the staff member in charge of the building should immediately contact the Library Director at home. If he/she is not available, leave a message and contact the Assistant Director at home. Home phone numbers and cell phone numbers will be posted at the public service desks.
- 4) It is lawful to refer the agent or officer to an administrator in charge of the library, and **staff members should not respond immediately to any request.** Staff has the right to contact library administrators or Town Counsel but no one else.
- 5) Library staff served with a search warrant issued under FISA rules (Access to Records Under Foreign Intelligence Security Act) may not disclose, under penalty of law, the existence of the warrant or the fact that records were produced as a result of the warrant. A patron cannot be told that his or her records were given to the FBI or he or she is a subject of an FBI investigation. One aspect of the USA PATRIOT Act is that the staff member approached for the requested information is not allowed to share with others any information about this request other than the administrator in charge of the library and Town Counsel.

Approved by the Board of Library Trustees 3/7/03; revised 1/25/06; revised 1/10/12; revised 12/8/14.