

Unadilla Public Library Patron Confidentiality Policy

Confidentiality & Privacy of Library Records:

The Unadilla Public Library recognizes the need to protect your right to privacy about the questions you ask and the materials you read and borrow.

The Unadilla Public Library acknowledges and upholds the Confidentiality Law of New York State as set forth in Article 45, Section 4509 (1988) of the New York Civil Practice Law and Rules as follows:

“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 the state, including but not limited to records related 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 law”.

Library staff cannot give any information about a patron’s registration and circulation record to anyone other than the patron, regardless of age or relationship to the patron. For example, a parent cannot be told what material a child has checked out on the child’s card without the child’s consent.

The Library recognizes that in many families’ library cards are shared among family members. However, for purposes of compliance with the Library policy and state law, only the person to whom the card belongs may have access to information about materials checked out on that card.

USA Patriot Act

The USA Patriot Act overrides state library confidentiality laws protecting library records.

The United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act 2001 (“USA Patriot Act”) became law on October 26, 2001. The legislation originated with Attorney General John Ashcroft,

who asked Congress for additional powers that he claimed were needed to fight terrorism in the wake of the events of September 11, 2001.

The Patriot Act amended over 15 federal statutes, including the laws governing criminal procedure, computer fraud and abuse, foreign, foreign intelligence, wiretapping, immigration, and the laws governing the privacy of students' records. These amendments expanded the authority of the Federal Bureau of Investigation and law enforcement to gain access to business records, medical records, educational records, and library records, including stored electronic data and communications. It also expanded the laws governing wiretaps and "trap and trace" phone devices to Internet and electronic communications.

Although the Unadilla Public Library makes every reasonable effort to protect patron privacy, under the federal USA Patriot Act (Public Law 107-56), records of books and other materials currently on loan, interlibrary loan requests placed during the past year, or internet sites and emails that patrons access through our computers may be obtained by federal agents. The federal law prohibits library staff from informing patrons if federal agents have asked about or obtained their records.

The Unadilla Public Library Board of Trustees takes a position endorsing the modification of the USA Patriot Act to the extent that it affects public library operations and requires library employees to perform in a manner inconsistent with normal library operations and imposes limitations on the intellectual freedom of patrons.

Adopted: January 20, 2020