

Confidentiality of Library Records Policy

1. Purpose Statement

The purpose of the Lexington Public Library's Confidentiality of Library Records Policy is to ensure the privacy of its users and to consider all library records confidential. State Statute and the American Library Association (ALA) support and require the confidentiality of library records. All Lexington Public Library employees, members of the Board of Trustees, and volunteers of the Lexington Public Library are bound by this policy.

The Nebraska Legislature in 1983 amended Chapter 84, Statute 84-712.05 of the Revised Statutes of Nebraska 1643 concerning records that may be withheld from the public. Included in the statute are records "kept by a publicly funded library, which, when examined with or without other records, reveal the identity of any patron using the library's materials or services."

Section 84.712.05. Records which may be withheld from the public enumerated.

The following records, unless publicly disclosed in an open court, open administrative proceeding or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records... (10) Records or portions of records kept by a publicly funded library, which, when examined with or without other records, reveal the identity of any patron using the library's materials or services;

The American Library Association Code of Ethics states: "We protect each user's rights to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted."

"Confidential library records should not be released or made available in any format to a federal agent, law enforcement officer or other person unless a court order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records." -- (ALA)

2. Key Guidelines

- A.** No library records shall be made available to members of the public, press or any agency of the state, federal or local government, except pursuant to such process, order, or subpoena as may be authorized by and pursuant to federal, state or local law relating to civil, criminal, or administrative discovery procedures or legislative

investigatory powers. All library staff members are to refer any request for such records to the Library Director. Upon receipt of such an order or subpoena, the Library Director will inform City Administration and will consult with the City Attorney's office to determine if such order or subpoena is in proper form and if there is a showing of good cause for issuance. The Board of Trustees and the Library Director shall resist the issuance or enforcement of any such process, order or subpoena until a proper showing of good cause is made in a court of competent jurisdiction. Any cost incurred by the library in any search through patron records, even, under court order, shall be chargeable to the agency demanding such search.

- B.** The Lexington Public Library and staff may not disclose information about a cardholder's record or use of the Library to anyone other than the cardholder, except by court order or with written permission from the cardholder.
- C.** When a library staff member contacts a patron via telephone regarding overdue materials or materials requested by an individual, the staff member will not leave specific item information with a third party or on an answering machine. Specific item information will be shared only with the person requesting the material.
- D.** Parent or guardian access to confidential information of a minor (age 18 and under) cardholder is restricted to information related only to lost or damaged materials. In order to access any other confidential information related to a minor cardholder, permission in the presence of the minor must be given.
- E.** Library staff will not release, either over the telephone or through online resources, any information concerning library patrons, who may or may not be currently using the Library.
- F.** Library staff will not disclose personal or library related information concerning any current or past staff member.
- G.** Library records are not to be used, directly or indirectly, to identify the types of materials used by individual library patrons. Under no circumstance shall the library staff answer a third party about what a library patron is reading or the requested information of a library patron.