



# **Title: Policy to Protect the Confidentiality of Patron Information and Records**

Policy Number:

Effective Date: 01/08/2019

## **I. POLICY STATEMENT**

Because privacy is essential to free inquiry, the Sonoma County Library is committed to ensuring its patrons may select, access, and use information made available through its libraries without fear of surveillance, punishment, or judgment. The following policies and procedures are intended to allow the Library and its staff to satisfy their goal of preserving the privacy rights of Library patrons, and the confidentiality of patron information, to the fullest extent allowed by law.

## **II. DEFINITIONS**

- A. "Registration records" includes any information the Library requires a patron to provide for the purpose of becoming eligible to borrow books and other materials, including but not limited to name, address, telephone number, and email address.
- B. "Circulation records" includes any information which identifies the patrons borrowing particular books and other materials from the Library.
- C. "Reference interviews" includes information patrons provide to Library staff for the purpose of locating particular materials or information.

## **III. POLICY**

### **A. Scope**

The Sonoma County Library is committed to protecting the privacy of its patrons and preserving the confidentiality of patron information and records, including but not limited to the following:

- registration records
- circulation records
- program registration and attendance
- computer registration and use history
- video and photographic records of library use
- database search records
- reference interviews
- interlibrary loan transactions

The privacy protections afforded to this information extend to all patrons, regardless of age, gender, race, religion, sexual orientation, gender identity, national origin, or immigration status.

Statistical information related to patron use of the Library, which does not identify specific patrons or allow them to be identified by the information provided, is excluded from the mandates of this policy.

## **B. Policy Mandates**

### **1. Confidentiality Requirements - General**

All patron information and related records maintained by the Sonoma County Library shall remain confidential and shall not be disclosed to any person, entity, or governmental agency except as follows:

- a. When the record is accessed and used by a person acting within the scope of his/her duties in conducting the business of the Library, including but not limited to Library staff and officials.
- b. When a request is made by the patron to whom the records pertain.
- c. When a request is made by a person authorized, in writing, by the patron to whom the records pertain, to inspect the records.
- d. When disclosure of the records is required by an Order or Warrant signed by a Judge of a state or federal court.

### **2. Confidentiality Requirements - Children**

Parents, guardians, or caretakers may obtain information regarding their children's use of the library only under the following conditions:

- a. Parents, guardians or caretakers of a child under age 13 who wish to obtain access to a child's library records (including the number or titles of materials checked out, overdue or lost) must provide the child's library card or card number.
- b. Parents, guardians or caretakers of a child age 13 through 17 may be advised if materials on their child's account are overdue and how much is owed upon providing the child's library card or card number; however, titles of materials checked out and other information regarding library use will not be released.

### **3. Law Enforcement and Immigration Officers' Request for Patron Information**

The Library and its staff shall not provide patron information to law enforcement or immigration officers unless their request for information is accompanied by a court order or warrant signed by a judge. Procedures relating to this policy mandate are set out below in Section III.C, below.

## C. Procedures

### 1. Request for Patron Information by a Member of the Public

If a request for patron information is made by a member of the public which does not comply with the requirements of this policy allowing for release, the Library employee who received the request shall immediately refer it to the Branch Manager (or Person in Charge). The Branch Manager shall explain the terms and provisions of this policy to the person making the request in an effort to resolve the issue.

If the Branch Manager determines that legal review of a document presented by the requestor is required to determine whether information should be disclosed under this policy, the Branch manager shall inform the Library Director (or his/her designee) of the request and seek further direction.

### 2. Request for Patron Information by Law Enforcement or Immigration Officers

If a law enforcement or immigration officer requests Library patron information or related records, or seeks to access non-public areas of a library or its computer information, Library staff shall so notify the Library Director (or his/her designee) as soon as possible. In addition, Library staff are directed to take the following actions:

- a. Advise the officer that before proceeding with his/her request, staff must first notify and receive direction from the Library Director (or his/her designee). Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Ask the officer to explain the purpose of the officer's visit, and note the response.
- b. Ask the officer to produce any documentation which authorizes Library facility access, and make copies of all documents the officer provides.
- c. Inform the officer that the Library does not voluntarily consent to allow the officer to enter the non-public areas of the Library facility, and does not voluntarily consent to provide access to any confidential information it maintains.
- d. If the officer has provided a written request for information, then comply as indicated below:
  - i. **An Order or Warrant Signed by a Judge:** Prompt compliance is usually required, though, where reasonable, staff should consult with the Library Director (or his/her designee) before responding. Search for and provide only the information identified on the face of the Order or Warrant to the officer.

If a Warrant has been issued under the USA PATRIOT Act, then the existence of the Warrant and information produced under the Warrant shall not be disclosed to any person or entity outside the Library's administration.

- ii. **Other Written Requests, Such as Subpoenas and Warrants Signed by an Immigration Agent:** Inform the officer that you will be sending the written request to the Library's Director for review, and ask to whom a response

should be sent. Thereafter, scan the request and send an email to the Library Director (or his/her designee) as soon as feasible.

- e. If the officer provides staff with a document demanding the custody of a person, such as an Arrest Warrant or a Notice to Appear, Library staff shall not provide any information nor participate in the process of serving or seizing the person.
- f. If the officer orders staff to provide immediate access to *public areas* of a library facility, staff should comply with the officer's order and immediately contact the Library Director (or his/her designee). Because an officer can access *non-public areas* of library facilities only with an Order or Warrant signed by a judge, if an officer orders staff to provide access to such *non-public areas*, then: (i) request to make a copy of the Order/Warrant; (ii) immediately contact the Library Director or Designee and forward a copy of the Order/Warrant; and (iii) ask the officer if he/she would wait until further direction is provided to staff. If the officer refuses to wait, provide the officer with the requested access and continue to seek direction from the Library Direction or designee.
- g. Document the officer's actions while on library premises in as much detail as possible, but without interfering with the officer's ability to perform his/her tasks. Under no circumstances shall Library staff physically interfere with the actions of an officer, even if such actions appear outside the scope of the officer's authority.
- h. Staff should complete an incident report that includes the information gathered by the officer, as well as the officer's statements and actions, and forward the report to the Library Director (or his/her designee) as soon as is feasible.
- i. The Library Director (or his/her designee) may consult with legal counsel to determine when and to what extent the Library is required to comply with any request for information from a law enforcement officer, and whether legal action should be taken. The Director is authorized to initiate legal action to seek a resolution of the legality of any law enforcement request for information (no prior approval of the Commission is required). If a decision is made to disclose information to law enforcement authorities, the Library Director (or his/her designee) will document what information or circumstances supported making that decision.

#### **IV. APPLICABLE LAW, RESOLUTIONS AND GUIDELINES**

- California Library Services Act, California Education Code §§ 18700-18767
- California Public Records Act, California Government Code § 6267
- California Values Act, California Government Code §§ 7284, *et seq.* (SB 54, 2017-2018)
- California Attorney General's publication, October 2018: Promoting Safe and Secure Libraries for All; *Guidance and Model Policies to Assist California's Public Libraries in Responding to Immigration Issues*
- USA PATRIOT Act, Section 215, 50 U.S.C. § 1861
- Sonoma County Library Commission Resolution adopted June 4, 2018, entitled "Resolution in Support of Undocumented Residents/Immigrants/Dreamers"

## V. REVISION HISTORY

<b>Policy Number</b>	<b>Effective Date</b>	<b>Significant Changes</b>	<b>Approved by</b>	<b>Previous Policy Number and Date</b>
blank	blank	Addition of policy requirements relating to requests for patron information from law enforcement and immigration officers.	blank	# 40XX; approved 10-3-2016