

SILETZ PUBLIC LIBRARY

Patron Confidentiality Policy

The legal custodian of records for the Siletz Public Library is the Director of the Lincoln County Library District. As the legal custodian of records, the LCLD Director is the person responsible for responding to any request for library records or information about a library user.

The LCLD Director may designate one or more library employees to serve as persons responsible for responding to any request for library records of information when the Library Director is absent or unavailable.

1. Siletz Public Library adopts this policy to recognize records identifying the names and personal information of library users and their circulation records are confidential in nature and are exempt from public records disclosure.
2. Siletz Public Library employees will be advised that such records shall not be made available to any person (s), corporation, or agency of a state, federal, 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.
3. Siletz Public Library will resist the issuance of enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

Upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order or subpoena is in proper form and if there is a showing of good cause of its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Procedures for implementing "Policy on Confidentiality of Library Records"

1. The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the name of library users, will immediately refer the person making the request to the director of the Lincoln County Library District, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of subpoena *duces tecum* {bring your records} requiring the library director to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation or other specified records.)

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4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the appropriate legal officer of the institution.

5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the library director.

Advisory USA PATRIOT Act

The Siletz Public Library has had a long-standing policy prohibiting the disclosure of information about patrons, or the materials they borrow, to any third party. Oregon State Revised Statute 192.502, exempts library patron and circulation records from being considered as "public records", thus protecting their privacy.

The 2002 USA PATRIOT Act allows Federal authorities to apply for warrants to seize records of all types, including those from libraries. Library officials are prohibited from disclosing to any person that such records have been requested. The Federal law supersedes both library policy and Oregon state law. Therefore, if requested by Federal authorities with a proper warrant, the Siletz Public Library must release a patron's record to those authorities, but will continue to protect the confidentiality of patron records to the extent allowed by law.

The Siletz Public Library adheres to the following best practices:

- Gather only the data necessary to perform the specific service
- Keep the data only as long as needed to provide the service or to meet the Library's record retention rules
- Limit access to the data to those who must use it in the performance of their assigned duties
- Keep the data in a secure place