



## Confidentiality Policy

Confidentiality of library records is central to intellectual freedom and directly related to the ability of citizens to use library materials and pursue information without fear of intimidation. The Board of Trustees of the Hampshire County Public Library respects the privacy of users and recognizes its responsibility to protect their privacy.

1. The Library will not reveal the information sources, or services individual users consult unless required by law, or court order. Confidentiality extends to information sought, or received and materials consulted, borrowed, or acquired. Confidentiality includes database search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of Library materials, programs, or services.
2. The library will hold confidential the names of card holders and their registration information and not provide access for private, public, or commercial use. Use of this information by the Hampshire County Public Library and the Friends of the Hampshire County Public Library is permitted.
3. The Library will require all staff, volunteers, and third parties with access to library records to attest and agree to uphold the confidentiality of library records as specified by library policy.
4. The lawful custodian of the records is the Director of the Library.
5. Unless required by court order, library records will only be released to the person(s) whose name(s) appear on the library borrower's record.

Circumstances which may require the Library to release information include the following:

- A. A criminal, or juvenile justice agency, is seeking the information pursuant to an investigation of a particular person or organization suspected of committing a known crime AND the criminal, or juvenile justice agency, presents the Library Director with a court order demonstrating that there has been a judicial determination that a rational connection exists between the requested release of information and a legitimate end.
- B. The library receives a warrant for the information issued under the USA Patriot Act (which includes amendments to the Foreign Intelligence Surveillance Act and the Electronic Communications Privacy Act) under a properly drawn court order.
- C. The library receives a valid court order requiring the library to release registration, circulation, or other records protected under the West Virginia Code as a result of local, state, or federal judicial review.

### Procedures

The library staff member receiving a request to examine or obtain information relating to registration records, circulation records, or other records identifying the names of library users shall immediately refer the requestor to the Director without further discussion. If the Library Director is not available,

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inform the requestor when the Director will be available. If pressed to act sooner, have the Assistant Director intervene until the Director can be reached.

The Library Director shall meet with the requestor of the information.

- A. If the requestor is a law enforcement officer, the officer must have a subpoena or warrant to receive the requested records. If the officer does not have a proper court order compelling the production of records, the Library Director shall refuse to provide the information until proper documentation is provided to obtain records.
  - I. If the Library Director, or the Director in consultation with the library's attorney, determines that the order is sufficient and compels the release of the records, the Library Director shall release the records.
  - II. If the request is made pursuant to the USA Patriot Act, the Library Director is authorized to obtain legal counsel regarding the request. As required by the USA Patriot Act, the Library Director may not discuss the request with anyone other than legal counsel and other persons necessary to obtain such information.
- B. If the requestor is not a law enforcement officer and has not presented any type of court or administrative order requiring release of the requested information, the Library Director shall refuse to provide the requested records. The Library Director may explain the confidentiality policy and the state's confidentiality law.
- C. Any threats or unauthorized demands (i.e. those not supported by a written request, process order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Director.
- D. 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 Director.