

Mary E. Bartlett Memorial Library
Brentwood, New Hampshire

CONFIDENTIALITY OF LIBRARY RECORDS POLICY

The objective of this policy is to protect the privacy of all persons who use the Library in the belief that each library user has a right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.

The Library treats all records in its possession that contain the names or other personal identifying information regarding users of the Library as confidential. The Library, its Director, employees, or Trustees will only release such information to third parties in accordance with applicable law.

When Release of Information is Required by Law

NHRSA 201-D:11 describes the circumstances under which a NH public library must disclose information about a user to a third party. Those circumstances are: (1) when requested or authorized by the user, (2) pursuant to a subpoena, (3) pursuant to a court order (including a search warrant), and (4) when otherwise required by statute. In addition, the Library may disclose records to the extent necessary for the proper operation of the Library.

Although NHRSA 201-D:11 limits the circumstances under which a user's library records may be disclosed, other laws may require such disclosure if law enforcement authorities properly obtain a court order. One such law is the USA Freedom Act which in part amends the Foreign Intelligence Surveillance Act authorizing, under certain circumstances, disclosure upon Court approval.

Procedure if Served with a Court Order or Subpoena

If a library employee or volunteer is served with a subpoena or court order purporting to require the disclosure of user information, or otherwise approached by law enforcement authorities in connection with his or her work at the library, he/she shall immediately refer the matter to the Library Director. The Library Director will have primary responsibility for handling all such inquiries from law enforcement authorities. If the Library Director is unavailable, the employee or volunteer should refer the inquiry to the Chair of the Library Board of Trustees. If the Chair is unavailable, the inquiry should be referred to any other member of the Library Board of Trustees.

The Library Director (or Trustee) shall seek the advice of counsel selected for these purposes prior to complying with any court order or subpoena requiring the release of user information. Under no circumstance shall the library comply with a subpoena without first obtaining counsel's advice.

Information on File

Because the library respects the privacy of its users, its policy is to maintain user-specific information only as necessary, i.e. the name, address, telephone number, and signature of each person with circulation privileges.

If such person is under thirteen (13) years of age, the library also keeps a record of the user's age, as well as the name and signature of a parent or guardian authorizing circulation privileges.

This policy has been established by the Board of Trustees and is subject to periodic review and/or revision at the discretion of the Board.

Adopted by the Board of Trustees 03/18/19