

# Policies - Cook Memorial Library, Tamworth, NH

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## SECTION IV: LIBRARY ORGANIZATION AND MANAGEMENT

### **IV. B. Confidentiality of Library Records (Revised 3/12/2018)**

1. The Trustees, staff, and volunteers of the Cook Memorial Library support the right of each library user to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted. Accordingly, it is our policy to treat as confidential all records in its possession that contain the names or other personal identifying information regarding users of the library. The library director, its employees or its Trustees will only release such information to third parties when required by law.
2. When Release of Information is required by Law:
  - A. New Hampshire Law, Section 201-D:11 of the New Hampshire Revised Statutes describes the circumstances in which a New Hampshire 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) or (4) when otherwise required by statute.
  - B. Federal Law: Title 6 Chapter 1 Section 122 (USA PATRIOT Act of 2001) stipulates that Federal authorities may obtain the records of a public library pursuant to investigation of terrorist activities. If the library were served with such an order, the library would be required to disclose patron records and would be prohibited from revealing their disclosure. It is the policy of Cook Memorial Library to comply under these circumstances.
  - C. What the library will do when served with a court order or subpoena: It is the responsibility of the library director to handle all inquiries from law enforcement authorities. If the library director is unavailable, a staff member should refer the inquiry to the chair of the library Trustees or, if unavailable, to another member of the Board of Trustees. If a member of the library staff is served with a subpoena or court order purporting to require the disclosure of user information, or if a staff member is otherwise approached by legal authorities in connection with library records, the staff member shall immediately refer the matter to the library director, or, if unavailable, to a Trustee.

The library director (in consultation with the Trustees) shall seek the advice of counsel prior to complying with any court order or subpoena requiring the release of user information. In no circumstance shall the library comply with a subpoena without first obtaining the advice of counsel.