

CIRCULATION

LAW ENFORCEMENT INQUIRY

The Philmont Public Library recognizes and strives to follow the practices of the American Library Association Code of Ethics, Article III, "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted," to the fullest extent of our abilities. The Library also supports the rights and privacy of our patrons with "Civil Practice Laws and Rules Section 4509 Library Records."

Civil Practice Laws and Rules Section 4509 of Library Records, states "Library records, which contain names of other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, **including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films of records**, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user of pursuant to subpoena, court order or where otherwise required by statute."

The Library Director is responsible for handling law enforcement requests. **All Library staff should understand that it is lawful to refer the agent or officer to an administrator in charge of the Library, and that they do not need to respond immediately to any request.**

PROCEDURE DURING A VISIT

1. If anyone approaches a staff member alleging to be a law enforcement official requesting information, **do not disclose any information.**
2. Ask for identification and then immediately refer the agent or officer to the Library Director. If the Director or Assistant Director is not available, the President or the Vice President of the BOT should be contacted. Photocopy identification or take business card.
3. The Director or other Library representative will meet with the agent and ask to see the court order (for example, a search warrant, subpoena, or National Security Letter) authorizing law enforcement.
4. If the agent or officer does not have a court order compelling the production of records, the Director or officer should explain the Library's confidentiality policy and/or the state's confidentiality law (NYS 4509) and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the Library.
5. If there is no court order presented, the FBI and/or local law enforcement has no authority to compel cooperation with an investigation or require answers to questions (other than the name and address of the person speaking to him). If the agent or officer

makes an appeal to patriotism, the Director will explain that, as good citizens, the Library staff will not respond to informal requests for confidential information, in conformity with professional ethics, First Amendment freedoms, and state law.

6. If the agent or officer does present a court order, the Director should immediately refer the court order to the Library's legal counsel for review.