

Privacy and Confidentiality of Library Records

- I. The First Amendment of the United States Constitution guarantees freedom of speech with the corresponding right to hear what is spoken and read what is written. Confidentiality of patron records is the primary means of providing First Amendment protections.
- II. The Hermiston Public Library is subject to Oregon Public Records Law. In keeping with the 1st Amendment, Oregon Public Records Law requires libraries to exempt certain records from general Public Records Requests.

ORS 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

(23) The records of a library, including:

- (a) Circulation records, showing use of specific library material by a named person;
- (b) The name of a library patron together with the address or telephone number of the patron; and
- (c) The electronic mail address of a patron.

- III. In accordance with this law, Library records that will be broadly interpreted as exempt from disclosure include:
 - Any records showing the use of specific library materials or resources, analog or electronic, consulted, borrowed, acquired, or transmitted, by a named person; or
 - Any records showing the name of a patron together with the person's address, email address, telephone number, or other personally-identifiable information.The Library will protect every patron's library records as follows:

- a. Under a court order, the Library may be required to disclose borrower records to law enforcement agencies. Depending on the court order, the Library may or may not be allowed to disclose to the patron or anyone else, excepting legal counsel, that the records were released.
- b. To ensure the protection of patron records, when a court order requesting library records is received, the Library will first consult legal counsel to verify that the subpoena, warrant, court order, or other investigatory document is issued by a court of competent jurisdiction, showing good cause and in proper form. All such requests must be made through the Library Director.
- c. To further protect patron privacy the Library shall purge or shred the patron records when they are no longer needed for regular library operations.

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- d. The Library has the right to use library records only for administrative purposes, such as recovering overdue materials, payment for lost items, customer surveys, or other administrative actions and communications.
 - e. In all contracts with third-party agents, the Library will protect patron privacy to the greatest extent reasonable under the circumstances.
 - f. We respect the privacy and confidentiality of all library users, no matter their age. Parents or guardians of a child under age 18 who wish to obtain access to their child's library records must provide the child's library card or card number.
- IV. The Library Director is the custodian of library records and is the only party authorized to receive or comply with public records requests. The Director may delegate this authority to designated members of the library's management team. The Director confers with the City Attorney before determining the proper response to any request for records. No library records will be made available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction, showing good cause and in proper form. Library staff are trained to refer any law enforcement record inquiries to the Library Director.
- V. Nothing in this policy prevents the Library from exercising its right to enforce its Patron Behavior Policy, protect its facilities, network, and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes.