

Confidentiality of Library Records
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The 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.

Confidential Information:

- Information sought or received
- Materials consulted, borrowed or otherwise acquired
- Database search records
- Reference interviews
- Interlibrary loan records
- Computer use records
- All other personally identifiable uses of library materials, programs or services

Open Public Records:

The list of patrons and the list of materials are open public records.

Lawful Custodian:

The lawful custodian of the records is the Director of the Library.

Release of Information:

The Library will not release registration, circulation or other records protected under the Iowa Code unless it is required by law to release the information. Under normal circumstances, this information will only be released to the person whose name appears on the Library card.

Minor Children: However, the library will release information to the parent or guardian of a minor child for the purposes of recovering overdue material and settling accounts for lost, late, or damaged material, and for other matters related to the recovery of material or charges incurred by minor children for which a parent or guardian may be considered liable. Information will **not** be provided to parents or guardians who are merely attempting to determine what library materials their minor children are using.

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

- **Court Order** - 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 and that the need for the information is cogent and compelling OR
- The Library receives a valid **court order** requiring the Library to release registration, circulation or other records protected under the Iowa Code and the information is not sought in conjunction with a criminal or juvenile justice investigation.
- **Warrant** -The Library receives a Warrant for the information issued under the USA Patriot Act.
- **National Security Letter** - The Library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.

Legal Counsel: If the records requested cover registration, circulation or other records protected under the Iowa Code, and the Director is uncertain about whether the order, or subpoena presented to the Library Director is sufficient to require release of the records, the Library Director may immediately consult with legal counsel to determine if such process, order, or subpoena is sufficient to require release of the records.

References

1. U.S. Constitution

First Amendment: *Congress shall make no law* respecting the establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom of speech*, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Fourth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. USA Patriot Act (which includes amendments to the Foreign Intelligence Surveillance Act and the Electronic Communications Privacy Act). USA PATRIOT Act (Public Law 107-56).

3. Code of Iowa 22.7 "Examination of Public Records (Open Records)":

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information...:

22.7.13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

22.7.18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.

4. Code of Ethics of the American Library Association:

"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."