

CONFIDENTIALITY OF LIBRARY RECORDS

The Julia L. Butterfield Memorial Library recognizes and strives to follow the practices of the ALA 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. Julia L. Butterfield Memorial Library will also support the rights and privacy of our patrons with the Civil Practice Laws and Rules Section 4509 Library Records.

In the event, that the Julia L. Butterfield Memorial Library is served with a formal and legitimate request by federal and/or state authorities, the Julia L. Butterfield Memorial Library Director and Staff will comply with all specified requests.

PROCEDURES

Should any staff member be approached by a state, federal, or local officer, they should immediately ask for identification, make a copy of that identification, and every attempt should be made to contact the Library Director.

In the case that the Library Director *cannot* be reached, the Head of Circulation should be contacted. The Library Director or person acting in his/her stead, should then immediately call Counsel* for assistance. If neither the Library Director nor Assistant Director is reachable, the staff person should contact Counsel directly. If the agent presents a court order (search warrant, subpoena, or other judicial process) it should immediately be shown to Counsel for approval.

* As of June 2017, legal counsel of the Julia L. Butterfield Memorial Library is Robert Schofield at RSchofield@woh.com or via phone at (518) 487-7600.

If he cannot be reached, the Director/Head of Circulation may contact the attorney acquired by the Mid-Hudson Library system, Robert Culp (845-424-4431). Should neither of these attorneys be reachable, counsel may be sought through the Office for Intellectual Freedom (1-800-545-2433. x. 4223) and inform the staff that you need legal advice—**DO NOT disclose the reason you need legal assistance or of the existence of a warrant!**

Without a court order, no officer or federal agent has the authority to compel cooperation with an investigation or require answers to questions. The staff member should only give their name and address if asked.

1. SEARCH WARRANT

A search warrant may be executed immediately and may be served to any employee. Should a warrant be served, contact the Director. If the Director cannot be reached, contact the Head of Circulation. The Director or their designee, will contact Counsel. Should the Director or Head of Circulation not be reachable, cooperate with the agent to the best of your ability and continue to try to contact the Director/Head of Circulation/Counsel.

Ask the agent serving the warrant to *wait* for Counsel to arrive to approve the warrant and assure that the search conforms to the terms of the warrant. The agent may or may not delay his/her search for Counsel to arrive. Should s/he not wait, the responding onsite designee

should read the warrant to the best of his/her ability, in an attempt to insure that it is valid. If there is a question of validity, contact the local court for assistance.

Cooperate with the search, only to the extent of identified records on the warrant. Should the agent request assistance in identifying or securing records, the employee will cooperate fully with the request.

The employee should record and keep an inventory of the records or items seized, and if possible, make copies for the agent so as to keep the originals. Should the warrant served be issued under FISA, a “gag order” may be in effect and, thus no one, under any circumstances should disclose that the institution was served with the warrant or that records have been produced pursuant to the warrant. ALL staff must comply with this order. Staff should still attempt to contact the Director/Head of Circulation and legal counsel.

2. SUBPOENA

A subpoena does not require an immediate response. Accept the subpoena, make a copy of it, and submit it immediately to legal counsel. Counsel will examine the document for any legal defect and if finding any, advise the Library on the best method to decline the subpoena.

If the subpoena is in good order, the Director will review the document for all requested information and will follow the subpoena strictly. Only provide information specified in the subpoena – do not provide any information not specified in the subpoena.

If disclosure is required, the Library may ask the court for a protective order keeping the information confidential and limiting it to the particular case and the specific purpose for which it was requested. Ask that access be restricted to those persons working directly on the case.

FOLLOW UP PROCEDURE

The Director and legal counsel are to review the subpoena or search warrant to ensure that the Library complies with any remaining requirements, including restrictions on sharing information with others. The Director shall be responsible for communicating with the public and the media.

Adopted: