

## **CONFIDENTIALITY OF LIBRARY RECORDS POLICY**

The West Caldwell Public Library's records identifying the names of library users are confidential.

As stated in the American Library's Code of Ethics, point III: "We (the West Caldwell Public Library) protect each library user's right to privacy and confidentiality with respect to information sought or received, and materials consulted, borrowed, acquired or transmitted."

The West Caldwell Public Library adheres to the New Jersey State law, N.J. S.A. 18A:73-43.2 Confidentiality of Library Users' Records which state:

**"Library records which contain the names of or other personal identifying details regarding the users of libraries are confidential and shall not be disclosed except for the proper operation of the library except in the following circumstances:**

- a. The records are necessary for the proper operation of the library;**
- b. Disclosure is requested by the user; or**
- c. Disclosure is required pursuant to a subpoena issued by a court or court order."**

**L.1985, c.172, 2.**

### **PROCEDURES**

1. All librarians and library employees are informed of the above policy stating that the library records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
2. The library staff member, receiving a request to examine or obtain information relating to circulation or other library records identifying the names of library users, will explain the confidentiality policy. If the person continues to insist upon obtaining the information, the employee will immediately refer the person making the request to the Director, who shall again explain the confidentiality policy.
3. The Director, upon receipt to such process, order, or subpoena, shall consult with the Township's Attorney to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
4. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be resolved before any records are released.
5. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation, and other records identifying the names of library users shall be reported to the Township's Attorney.

6. Any problems relating to the circulation and other records identifying the names of library users which are not provided for shall also be referred to the Township's Attorney.

Adapted from the ALA Council statement adopted on January 20, 1971: revised July 4, 1975, July 2, 1986, by the ALA Council and from the statement by the Ala Intellectual Freedom Committee, January 9, 1983; revised January 11, 1988.

Approved by the Library Board of Trustees 6/12/02