

## **Lodi Memorial Library Privacy Policy**

The Board of Trustees and staff of the Lodi Memorial Library affirm the right of those who use the library to privacy and to the basic right to read what they wish without fear of censure or legal consequences. These rights are reaffirmed in the American Library Association's Code of Ethics (1995) Section 3: *'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.'*

All records concerning library users and materials used or checked out by users are confidential. Such records will not be made available to any individual, organization or government agency unless a court order or search warrant requiring disclosure has been entered by a court of competent jurisdiction or persons acting within the scope of their duties in the administration of the library, as outlined in **N.J.S.A. 18A:73-43.2** which reads:

*Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed 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*

Even to law enforcement officials, disclosure will not be made unless a subpoena is issued or other requirements are met.

### **In providing information, the Library shall follow the following procedures:**

1. Any requests for information regarding a library user are to be referred to the Library Director or designee, who will explain the Library's policy and the New Jersey Law.
2. If a subpoena is presented, it will be received by the Library Director/designee who will contact the Library's attorney to verify its validity and advise the Library of what action to take.
3. If Library staff is presented with a search warrant from a law enforcement officer, he or she is to contact the Library Director/Designee as soon as possible so that the Director can ask the officer to allow them to consult with legal counsel and to ask that counsel be present during the search. The Library's counsel will be contacted and staff shall not interfere with a search conducted with a search warrant. A search warrant must be specific as to the information requested. Information outside the scope of the warrant should not be released.
4. In either the case of a subpoena or search warrant, records shall be kept of all legal requests and costs incurred by the Library.

If staff members have any questions concerning this policy, they should speak to the Library Director.

**Approved by Lodi Memorial Library Board of Trustees August 23, 2011**