

## **Response to Law Enforcement and Requests for Library User Information policy**

The Langdon Library recognizes that there may be situations when records regarding library use by individual users will be requested with the consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.

### **When Release of information is required by Law:**

**A.** New Hampshire Law, Section 210-D:11 of the New Hampshire Revised Statutes describes the circumstances in which a New Hampshire Public Library must disclose information to a third party. Those circumstances are (1) when requested or authorized by the user, (2) pursuant to a subpoena, (3) pursuant to a court order (including a search warrant) or (4) when otherwise required by statute. It is the policy of the Langdon Library to comply under these circumstances.

**B.** Federal Law: Title 6 Chapter 1 Section 122 (**USA PATRIOT Act of 2001**) stipulates that Federal authorities may obtain the records of a public library pursuant to investigation of terrorist activities. If the Library were served with such an order, the Library would be required to disclose patron records and would be prohibited from revealing their disclosure.

Access to library user information may include but not be limited to:

- Database Search Records
- Circulation Records
- Computer Use Records
- Inter-Library Loan Records
- Reference Interviews

To respond appropriately to requests for such information, the Langdon Library adopts the following policies:

### **Responding to Subpoenas and Search Warrants**

All requests for library use information should be forwarded immediately to the Library Director. If the Library Director is not available, a staff member should refer the inquiry to the Chair of the Library Trustees or, if unavailable to another member of the board of Trustees. If a law enforcement agent or officer or other person has presented a court order, the Library Director, Chair of the Library Board of Trustees or Library Trustee will evaluate the request and arrange for an appropriate response consistent with this

policy.

Valid court orders can come in two forms, a subpoena or a search warrant. **Subpoenas do not have to be acted on immediately. Search warrants are immediately executable.**

### **Procedures for Complying with Legal Court Orders Presented by Law Enforcement Agents or Officers**

The Library staff will comply with law enforcement when supplied with legal subpoena or warrant.

#### **Staff Procedures:**

- If anyone approaches you alleging to be law enforcement official requesting information, do not disclose to that individual any information. Immediately contact the Director or Chair of the Library Board of Trustees or a Library Trustee.
- The Director will ask to see official identification and will photocopy the ID.
- If law enforcement presents a subpoena, library staff should direct that person to the Director who will in turn direct the subpoena to legal counsel.
- If library staff is presented with a warrant, do not interfere with their search and seizure. Immediately refer the party serving the warrant to the Director or an available Trustee.
- Keep a record of all legal requests.
- Keep a record of all cost incurred by any search and/or seizures.
- If the subpoena or search warrant is not confidential, the Director will notify the American Library Association.
- Once the law enforcement agency's search is concluded, the Director and/or the Board will confer with Library legal counsel to ensure that the Library complies with any remaining requirements, including restrictions on sharing information with other parties. The Library will also review its policies and staff response and make any necessary revisions to this policy.
- The Library Director in consultation with the Library Board of Trustee's shall seek the advise of counsel prior to complying with any court order or subpoena requiring the release of user information. If possible the Library Legal counsel should also be

consulted prior to allowing a search to allow counsel to examine the warrant and to ensure that the search conforms to its terms.

### **Other Policy Issues: Emergency Disclosures of Information**

If, in the normal course of business, the library staff observes what can be reasonably construed to be a threat of imminent danger to life and limb they are to contact law enforcement immediately. They should then contact their supervisor or the Library Director or a Trustee and fill out an Incident Report form (see appendix for form).

### **Procedures Regarding Information Access and Confidentiality**

- Database Search Records: These records refer to the searches of the collection a patron may conduct on the Online Public Access Terminals (OPAC). These searches are conducted using the library's automated circulation system, Atrium (a product of BookSystems Technologies). Once a search is conducted, the software does not retain a copy of the search. No records of the search will exist.
- Circulation Records: Library materials are circulated via the Atrium system. The circulation software tracks materials currently checked out, automatically erasing a reader's borrowing record once a book is returned and all fines are paid.
- Computer Use Records: The Library has several computers available for use by the public. Library users sign up using first name only to use a computer for a particular period of time. The library tabulates computer use statistics once per month after which all paper records generated during computer sign-ups are destroyed.
- Inter-Library Loan Records: Library users may borrow items not owned by the Langdon Public Library from other libraries statewide via Inter-Library Loan (ILL). The Langdon Public Library tracks items currently being borrowed and generates a paper record with library user information. Once the materials are returned, all appropriate fines and/or fees are paid, and statistics have been recorded, the paper record is destroyed.
- Reference Interviews: A reference interview occurs when a library user looking for information approaches a member of the library staff and the staff person questions or "interviews" the library user in order to determine the specific information needed. No paper record is kept during the interview that has any library user information on it. If a library user's name and number is taken for future research, and library user information is written down, as soon as the requested information is delivered, the paper record is destroyed.

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