

East Kingston Public Library Information Privacy Policy

Each library user has a right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted. The objective of this policy is to protect the privacy of all persons who use the library.

To implement this objective, the library will treat all records in its possession that contain the names or other personal identifying information regarding users of the library as strictly confidential. The library, its director, employees, or trustees will release such information to third parties only when required to by law.

When Release of Information is Required by Law

Section 201-D:11 of the New Hampshire RSA describes the circumstances under which a New Hampshire public library must disclose information about a user to a third party. These circumstances are: 1) when requested or authorized by the user; 2) pursuant to a subpoena 3) a court order (including a search warrant) and 4) when otherwise required by statute.

I – The PATRIOT Act

One of the situations in which the library may be “otherwise required by statute” to disclose user information arises under the federal statute entitled the “United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act” (USA PATRIOT Act) of 2001. The PATRIOT Act expanded the ability of federal authorities, including the FBI, to gather intelligence related to international terrorism. Under the PATRIOT Act, federal authorities may obtain an order from a special federal court (known as the Foreign Intelligence Surveillance Act Court) gaining access to any business information, including the records of a public library. If the library were served with such an order it would be prohibited from disclosing that fact to anyone beyond the library staff and trustees.

Given the nature of the library’s collection and mission, it is unlikely that any of its records would be relevant to an investigation of international terrorism. However, users should be aware that it is possible for the library to be served with an order under the PATRIOT Act. Under such circumstances the library could be required to give the federal authorities user information and would be prohibited from disclosing that fact to anyone other than the library’s legal counsel.

II – Procedure if Served with a Court Order or Subpoena

Reviewed and approved by EKPL Trustees
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If a library employee or volunteer is served with a subpoena or court order purporting to require the disclosure of user information, or is otherwise approached by law enforcement authorities in connection with his or her work at the library, he/she shall immediately refer the matter to the Library Director. The Library Director will have primary responsibility for handling all such inquiries from law enforcement authorities. If the Library Director is unavailable, the employee or volunteer should refer the inquiry to the Chair of the Library Board of Trustees. If the Chair is unavailable, the inquiry should be referred to any other member of the Library Board of Trustees.

The Library Director shall inform the trustees, and either the Director or Chair of the Trustees will seek the advice of counsel selected for these purposes prior to complying with any court order or subpoena requiring the release of user information. Under no circumstances shall the library comply with a subpoena without first obtaining counsel's advice.

III Information on File

Because the library respects the privacy of its users, its policy is to maintain user specific information only as necessary, i.e. the name, address, telephone number, and signature of each person with circulation privileges and their currently checked out library items. The circulation system's default setting retains a record of all past items checked out. If a user wishes the library not keep such records, they may opt out of this feature using the settings in their online account. If selected, this option will mean items are cleared from the system once they are returned, and no record of them will remain for either the user or library staff.