

East Kingston Public Library
East Kingston, New Hampshire 03827

CONFIDENTIALITY OF INFORMATION AND COMPUTER USAGE POLICY

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

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 by law.

I When Release of Information is Required by Law

Section 201-D:11 of the New Hampshire RSA's describe the circumstances under which a New Hampshire public library must disclose information about a user 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), and (4) when otherwise required by statute.

II 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 "Uniting 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.

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.

III Procedure if Served with a Court Order or Subpoena

If a library employee or volunteer is served with a subpoena or court order purporting to require the disclosure of user information, or 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 (or Trustee) shall 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 circumstance shall the library comply with a subpoena without first obtaining counsel's advice.

IV 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.

If such person is under fourteen (14) years of age, the library also keeps a record of the user's age, as well as the name and signature of a parent or guardian authorizing circulation and/or computer usage privileges.

V Procedures for Use of Computers

The library provides public access to the Internet, and otherwise offers personal computers for use by patrons, as part of its effort to meet the information needs of the public. The library has formulated this policy in order to assure that such access is fair, reasonable in light of prevailing community standards and consistent with the constitutional protection of free speech and expression.

The library does not censor or control the content of information available on the Internet. The computers in the library will not contain any "filters" or other devices to limit the access of patrons to any material available on the Internet.

Patrons must bear in mind that the library's computers are situated in a manner that makes their screens visible to others. Accordingly, the library reserves the right to prohibit the display of information or images on the library's computer terminals or on personal computers that, in the sole and absolute discretion of any staff member, is disruptive or offensive to other patrons. Note, there are many sites on the Internet that individual computer users regard as controversial, offensive, objectionable and/or inappropriate. The library will make no attempt to protect users of its computers from this information. Furthermore, the library assumes no responsibility for the accuracy, reliability or completeness of information that users may access on the Internet via the library's computers.

The library assumes no responsibility for any information transmitted to others by patrons using the library's computers. However, the library will endeavor to restrict the use of its computers for any purpose that is illegal, including, but not limited to, the transmission of content that is libelous, that infringes any copyright, that violates any licensing agreement, or is intended to harass, intimidate or threaten.

i. Internet Access for Minors:

The library permits the use of its computers by young patrons. Each child under the age of fourteen (14) needs a library issued permission slip signed by their parent or guardian in order to use the computer and Internet. Any parent or guardian may prohibit their child (to the age of 18) from using a public access computer workstation at the Library. The parent or guardian must submit a written statement prohibiting their child access. The individual's name will be placed on a prohibited user list. Special restrictions are not imposed on computer use by young patrons. Young patrons are required to abide by all rules established in this policy. Parents or guardians are expected to monitor and supervise their children's use of the Internet.

ii. Other Rules and Regulations:

If the number of patrons desiring to use the computers exceeds the number of computers in the library, the librarians or other staff members on duty may impose reasonable restrictions on computer use. Restrictions may include limiting the amount of computer use time and/or signup sheets.

Patrons may not download information to the hard drives of library computers. Users are welcome to download information and save it to their own storage device. Users are also welcome to print information from the computers at a determined charge per page.

Computer users are responsible for any damage they cause to the computers, peripheral devices (e.g., monitors, printers, audio speakers, etc.), or any other equipment. Access to computers or equipment may be denied to any patron abusing the usage privilege, as determined by the librarians or staff on duty.

Adopted by East Kingston Library Trustees April 22, 2009
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