

Duxbury Free Library Policy: Patron Records

The intellectual pursuits of individuals using library or Internet resources are considered confidential information, and not public records, regardless of the age of the borrower. See Massachusetts General Law, Title XI, Chapter 78, Section 7 (“That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record...”). Therefore, in general, a response to a request for disclosure of a patron’s records should be redacted of personal information.

However, “[l]ibrary authorities may disclose or exchange information relating to library users for the purposes of inter-library cooperation and coordination, including but not limited to, the purposes of facilitating the sharing of resources among library jurisdictions...” Id.

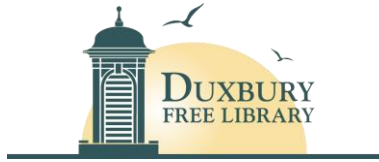
Additionally, patron records might be disclosable pursuant to a proper process, order, subpoena, or warrant as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power. For example, the USA PATRIOT Act of 2001 (P.L. 107- 56) supersedes state law and expands the federal government's authority for access to library records and documents to protect against international terrorism and clandestine intelligence activities. It also expands federal law enforcements’ authorization to track telephone and electronic communication, including any dialing, routing, addressing, or signaling information and the actual content of the communication.

The Library Director will be the recipient of all subpoenas, orders and other requests regarding patron records. See also <http://www.ala.org/advocacy/privacy/lawenforcement/guidelines> (providing more detailed information on how to respond to law enforcement requests for user information)

Upon receipt of a federal process, order, or subpoena, the Library Director will notify the OCLN President, except when prohibited by the USA PATRIOT Act of 2001, and consult with the Network attorney to determine if such process, order, or subpoena is in proper form and if there is evidence of good cause for its issuance. If the process, order, or subpoena is not in proper form or if good cause has not been shown, such defects must be corrected before the information is provided. The Network recognizes that a legal search warrant must be honored immediately, however the library or affected patron(s) may challenge the warrant after the fact.

Upon receipt of a state/Commonwealth, municipal, administrative, or private request for documents, the Library Director should forward that request to the Town Clerk, who is the keeper of the records. The Town Clerk will then consider whether it is a simple request for patron records, to which records redacted of personally identifiable information can be provided. The Town Clerk or Library Director should pose any question regarding the validity or authority of the request should be posed to the Town Counsel.

A request from any person or agency for information on a patron in the OCLN database who has registered at another library should be referred to the library at which the patron was registered for a determination of policy.



All staff members with access to the patron database of the Network are informed of the need for and educated about maintaining confidentiality of patron records.

Public access to workstations in which the patron database is readily accessible is strictly forbidden.

Confidentiality of Library patron databases is mandated by:

General Laws of Massachusetts, Title XII, Chapter 78: Section 7. Public Libraries; established cities & towns; records.

This policy will be reviewed annually by the Board of Library Trustees and ratified or amended at that time.

Adopted: Library Board of Trustees, 1/8/2003

Last Revised: 6/14/2016

Last Reviewed: 2/27/2024