



## **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.<sup>1</sup> 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..."<sup>2</sup>

Additionally, patron records could 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.

All subpoenas, orders, and other requests regarding patron records should be received by the Library Director. Upon receipt of any process, order, or subpoena, the Library Director will notify the Old Colony Library Network Executive Director,<sup>3</sup> the Old Colony Library Network attorney, and the Town Records Access Officer, who will in turn notify the Town Counsel. The Network attorney and the Town Counsel will 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 Old Colony Library 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.<sup>4</sup>

A request from any person or agency for information on a patron in the Old Colony Library Network 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.

*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: 3/12/2024*

*Last Reviewed: 4/10/2024*

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<sup>1</sup> Massachusetts General Law, Title XII, Chapter 78, Section 7.

<sup>2</sup> Massachusetts General Law, Title XII, Chapter 78, Section 7.

<sup>3</sup> except when prohibited by the USA PATRIOT Act of 2001

<sup>4</sup> 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)