

BONDURANT COMMUNITY LIBRARY
CONFIDENTIALITY OF RECORDS POLICY



All records, formal and informal in the Bondurant Community Library relating to patron registration and the subsequent circulation by patron of materials are considered to be confidential in nature.

In order to prevent an unreasonable invasion of personal privacy, the contents of registration and circulation records shall not be made available to anyone except under the written order of the Library Director; such order having been issued pursuant to a proper legal process, order, or subpoena under the law.

Upon receipt of any process, order, or subpoena, the Library Director shall consult with the Library Board and legal counsel of the city to determine if such process, order, or subpoena is proper and in full compliance with proper legal authority.

This policy is based on “Policy of Confidentiality of Library Records” by the Council of the American Library Association.

CONFIDENTIALITY

Parents should be aware that as provided in Section 22.7(13) of the Code of Iowa, they cannot have access to records of what their child checks out. This code states that libraries may not reveal to another party any titles checked out by any individual. This law includes materials borrowed by children and requests by parents for this information. All borrowers, including children, may request this information from their own borrowing records.

Parents of young children may wish to check out materials for their child on the parent’s card to facilitate access to this information. Parents may want to have young children give them custody of their child’s card; In that case parents may present the card or the user number to the librarian.

The Library interprets possession of a card (or card number in a phone or email request) as consent to use it unless it has been reported lost or stolen, or there is reason to believe that consent has not been given.

Library accounts for which a bill for lost or overdue library materials has been sent may be revealed to parents of minor children, a collection agency, or law enforcement personnel.

The Library cannot guarantee the confidentiality of information sought or received or materials consulted or borrowed from third party digital services to which the library provides services.

Professional Ethics: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." (Source: Code of Ethics of the American Library Association)

Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.

Confidentiality is essential to protect the exercise of First and Fourth Amendment rights. In accordance with First and Fourth Amendments of the U.S. Constitution, the Iowa Code and professional ethics, the Board of Trustees of the Bondurant Community Library respects the privacy of users and recognizes its responsibility to protect their privacy.

1. The library will not reveal the identities of individual users nor reveal the information sources or services they consult unless required by law. Confidentiality extends to information sought or received and materials consulted, borrowed or acquired. Confidentiality includes database search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of library materials, facilities or services.
2. The library will hold confidential the names of card holders and their registration information and not provide access for private, public or commercial use.
3. The lawful custodian of the records is the Director of the Library.

4. The library will not release registration, circulation or other records protected under the Iowa Code unless it is required by law to release the information. Circumstances which may require the library to release the information may include the following:
 - A. A criminal or juvenile justice agency is seeking the information in pursuant to an investigation of a particular person or organization suspected of committing a known crime AND the criminal or juvenile justice agency presents the library Director with a court order demonstrating that there has been a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.
 - B. The library receives a Warrant for the information issued under the USA Patriot Act (which includes amendments to the Foreign Intelligence Surveillance Act and the Electronic Communications Privacy Act).
 - C. The library receives a National Security Letter seeking the information pursuant to the USA Patriot Act.
 - D. The library receives a valid court order requiring the library to release registration, circulation or other records protected under the Iowa Code and the information is not sought in conjunction with a criminal or juvenile justice investigation.

Procedures for enforcing the policy on confidentiality of library records.

1. The library staff member receiving a request to examine or obtain information relating to registration records or circulation records or other records identifying the names of library users, shall immediately refer the requestor to the Director, the official custodian of the records.

(To prevent any misunderstanding, the staff member should avoid discussing with the person making the request what user information may or may not be available, or what the library can or cannot do.)

If the library Director is not available (such as during evenings or weekends or away on business) inform the requestor when the Director will be available. If pressed to act sooner, contact the Director immediately whether

the Director is away on business or at home. In the event the Director cannot be reached, the highest ranking person on duty is responsible for working with the requestor.

2. The library Director shall meet with the requestor regarding the information requested. If the requestor is a law enforcement officer the officer must have a court order, a warrant issued under the USA Patriot Act, or a National Security Letter (NSL) issued under the USA Patriot Act to receive the requested records. If the officer does not have a proper court order, warrant, or NSL compelling the production of records, the library Director shall refuse to provide the information. The Library Director may explain the confidentiality policy and the state's confidentiality law, and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the library.
3. If the records requested cover registration, circulation or other records protected under the Iowa Code, and the Director is uncertain about whether the order, or subpoena presented to the Library Director is sufficient to require release of the records, the Library Director may immediately consult with legal counsel to determine if such process, order, or subpoena is sufficient to require release of the records.
4. If any written request, process, order, or subpoena is not in proper form or does not otherwise appear to be sufficient to support releasing the records, the Library Director shall insist that such defects be cured before any records are released.
5. If the Library Director or the Director in consultation with Library's attorney determine that the order, warrant, or NSL, is sufficient and compels the release of the records, the Library Director shall release the records.
6. If the request is made pursuant to the USA Patriot Act, the Library Director is authorized to obtain legal counsel regarding the request. As required by the USA Patriot Act, the Library Director may not discuss the request with anyone other than legal counsel.
7. If the requestor is not a law enforcement officer and has **not** presented any type of court or administrative order requiring release of the requested information, the Library Director shall refuse to provide the requested records. The Library Director may explain the confidentiality policy and the state's confidentiality law.

8. The Library Director is authorized to take legal action (such as moving to quash a subpoena) to resist releasing requested registration, circulation or other records protected under the Iowa Code if the Library Director and the Library's legal counsel deems such action to be appropriate.
9. Any threats or unauthorized demands (i.e. those not supported by a written request, process, order, or subpoena) concerning circulation and other records identifying the names of Library users shall be reported to the Director.
10. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the Director.

OPEN BORROWING PRIVILEGES

The Library maintains collections of materials for children, young adults, and adults. Anyone regardless of age may select from any part of the Library collection.

To serve varied interests and points of view, we select materials from a broad range of political, economic, religious, artistic, and philosophic viewpoints. The Library may own materials that you as a parent may consider unsuitable for your own children.

The Bondurant Community Library has a strong commitment to a policy of open access by which all materials are available to Library users regardless of age. Because we live in a democratic society which values freedom of thought and work, it is essential that the public respect each person's right to information and confidentiality, no matter what age. It must be the responsibility of those parents who wish to do so to monitor their own children's use of the Library materials.

Adopted by the Bondurant Community Library Board of Trustees

9/12/2002

Revised: 11-07-2007, 9/2020

Reviewed: 12-12-2007

Reviewed & adopted: 4/3/2014, 2/2015, 10/2018

Addendum:

1 EXAMINATION OF PUBLIC RECORDS (OPEN RECORDS), §22.7

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. **This subsection** shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records. **This subsection** shall not be construed to prohibit a school corporation, or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with **section 256.9, subsection 48**.

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in **section 915.20A**. However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers' investigative reports, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of

an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under **this section**, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under **this subsection** if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

6. Reports to governmental agencies which, if released, would give advantage to competitor's and serve no public purpose.

7. Appraisals or appraisal information concerning the sale or purchase of real or personal property for public purposes, prior to the execution of any contract for such sale or the submission of the appraisal to the property owner or other interest holders as provided in **section 6B.45**.

8. Economic development authority information on an industrial prospect with which the authority is currently negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in **section 815.11**, as provided in **section 13B.4B**.

11. *a.* Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records:

Fri Jan 09 03:26:51 2015 Iowa Code 2015, Section 22.7 (28, 1)