

VINEYARD HAVEN PUBLIC LIBRARY
USA PATRIOT ACT 2001
POLICY

Policy and procedures in response to the USA Patriot Act of 2001

Public libraries are facing a dilemma of having the responsibility of protecting the privacy of our patrons while responding to legitimate national security concerns. The Vineyard Haven Public Library recognizes the confidentiality of information sought or received and materials consulted, borrowed or acquired by a library user based on recommendations of the American Library Association and Massachusetts General Laws Chapter 78, Section 7 which states, "*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 as defined by clause Twenty-sixth of section seven of chapter four.*"

The Vineyard Haven Library strives to create a library environment that is:

- A place for learning and pursuit of knowledge and information on any topic
- A place where patrons can ask any question and discuss any topic

The library will do its utmost to uphold the privacy and confidentiality of patron's free access to information. The library will rely on existing laws and library policies to control behavior that involves public safety or criminal behavior.

About the USA Patriot Act of 2001

HR-3162 became Public Law 107-56 in response to the events of 9/11/2001. The full title of the law is: *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001.*

The Act may provide law enforcement broader boundaries when investigating information accessed and transmitted by patrons with regards to national security concerns.

Access to patron information may include but not be limited to:

- Database search records
- Circulation records
- Computer use records
- Inter-library loan records
- Reference interviews

The Vineyard Haven Public Library Policy & Procedures Regarding Information Access and Confidentiality

Database Search Records: These records refer to the searches of the collection a patron may conduct on the Online Public Access Terminals (OPAC). The searches are conducted by utilizing the library's automated circulation system, Millennium, accessed through CLAMS (The Cape Libraries Automated Materials System). Library machines are set not to retain search histories, any information saved would be done under CLAMS need to back up their server.

Circulation Records: Patron material is circulated via the Millennium System, through CLAMS. The circulation software tracks materials currently checked out, automatically erasing a reader's borrowing record once a book is returned and all fines are paid.

Computer Use Records: The Library is equipped with public access terminals. Patrons with a library card may use either the hour or half hour machines. Patrons without cards may use the half hour machines only. The library does not keep paper records of computer use beyond a daily signup sheet, which is destroyed daily, and no paper record with patron information is generated, only an in-house count. "Cookies" are removed daily from the server for each workstation. Backup tapes of the server will be kept for 7 days.

Inter-Library Loan Records: Patrons may borrow items not owned by the Vineyard Haven Library. The Library tracks items currently being borrowed and generates a paper record with patron information. 90 days after the materials are returned and all appropriate fines and/or fees are paid, the paper record held at Vineyard Haven Public Library is destroyed.

Reference Interviews: A reference interview occurs when a patron looking for information approaches a library staff member and staff questions or interviews the patron in order to narrow down the specific information needed. No paper record is kept during the interview that has any patron information on it. If a patron name and number is taken by phone, and patron information is written down, as soon as the requested information is delivered, the paper record is destroyed.

The Vineyard Haven Library Policy & Procedures for Complying with Law Enforcement

The Vineyard Haven Library staff will comply with law enforcement when supplied with legal subpoena or warrant.

Staff Procedures:

- If anyone approaches you alleging to be law enforcement and requesting information, **you should not disclose any information to that individual.** Staff should immediately contact the Director, the Assistant Director, Executive Secretary of the Town.
- The Director or person in charge will ask to see official identification and will photocopy the ID.
- If law enforcement presents a **subpoena**, library staff should direct that person to the Director, Assistant Director, or person in charge, who will in turn direct the subpoena to the Executive Secretary of the Town, who will contact legal counsel.
- If any staff member is contacted by law enforcement with any court order under the USA Patriot Act amendments, or otherwise receives information regarding such a court order, he or she is legally prohibited from disclosing either the existence of the court order, or that records were produced in response to this court order, to any other person except the primary contact person for law enforcement requests, the Library Director or the Executive Secretary, who will advise legal counsel of the court order.
(Our legal counsel has taken the position that although this may violate the “gag order”, libraries can and should do it since there exists a fundamental right to counsel)
- If library staff is presented with a **warrant**, do not interfere with the search and seizure. Contact the Director, Assistant Director or Executive Secretary as soon as possible.
- Keep a record of all legal requests.
- Keep a record of all costs incurred by any search and/or seizures.
- If a “Gag Order” is not in effect, the director may notify the American Library Association.
- If a staff member is unsure about whether he or she is legally prohibited from discussing a particular law enforcement request for information, contact the Library Director for guidance.

Emergency Disclosures of Communication

If in the normal course of business, the library staff observes what can be reasonably construed to be a threat of imminent danger to life and limb, they are to contact law enforcement immediately. They should then contact their Director, Assistant Director or person in charge and fill out an Incident Report form.