

### CONFIDENTIALITY OF LIBRARY RECORDS

The Board of Trustees of the Nashua Public Library recognizes the responsibility to protect the privacy of library users. Confidentiality is essential to protect and to exercise First Amendment rights.

Library records are treated specifically in Code of Iowa 22.7 "Examination of Public Records (Open Records)", paragraph 13 and 14. The citation is copied here and included in this policy:

#### 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 duly authorized to release the information.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patrons checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon 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.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

Confidentiality extends to information sought or received and materials consulted, borrowed or acquired. Confidentiality includes databases, search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of library materials, facilities and services.

In addition to the protections afforded by the Code of Iowa and the Constitution of the United States of America, Nashua Public Library will hold confidential the names of card holders and their registration information and not provide access for private, public or commercial use.

In keeping with the above statements and the Code of Iowa, the following shall be the policy for Nashua Public Library records.

1. The lawful custodian of the records is the Director of the Library.
2. Nashua Public Library registration records and circulation records shall be kept

confidential.

3. If there is reasonable basis to believe library registration records are necessary to the progress of an investigation or prosecution, the request for such records including the justification for the request, shall be made to the Director, in writing, on official letterhead by an official of the investigation or prosecution workforce, who has provided necessary identification.

4. If there is a reasonable basis to believe library circulation records are necessary to the progress of an investigation or prosecution, the judicial system shall provide the mechanism for seeking release of such confidential records; the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.

5. Circulation records shall not be made available to any agency of local, state or federal government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, local, state, or federal law relating to civil, criminal, or administrative discovery procedures or legislative investigation power.

6. The issuance or enforcement of any such process, order or subpoena shall be resisted until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

Board recommended staff procedure for enforcing 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, will immediately refer the person making the request to the Director, who shall explain the confidentiality policy.

2. If the records requested pertain only to registration records and the request has been made in a manner prescribed in the policy, the Director may release the records or may bring the request to the next meeting of the Library Board for approval as an exception to the Board Policy on confidentiality of registration records.

3. If the records requested cover circulation or other records protected under the Iowa Code, upon receipt of a process, order, or subpoena, the Director shall consult with the city attorney or personal legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause of its issuance.

4. If any written request, process, or subpoena is not in proper form or if good cause has not been shown, the Director shall insist that such defects be cured before any records are released.

5. 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.

6. 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.