

## **Henderson County Public Library Confidentiality of Patron Records Policy**

The Henderson County Public Library strives to protect each Library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, or acquired. The Library recognizes that registration records, information requests, and records of circulation transactions are confidential. Registration records include any information the Library requires the patron to provide in order to borrow materials or use Library resources. Information requests include all records regarding a patron's request for information, such as, but not limited to, reference questions, interlibrary loan requests, or e-mail correspondence. Circulation transaction records include all information that identifies a patron as borrowing particular materials.

It is the opinion of the Office of the Attorney General of the State of Kentucky "that the custodian of the registration and circulation records of a public library is not required to make such records available for public inspection under the Open Records Law" (see OAG 81-159 and 82-149). However, the passage of the federal United States Patriot Act on October 26, 2001, allows law enforcement authorities to request disclosure of confidential information from all types of businesses, organizations, and government agencies, including libraries. Access to patron information under the Act may include, but not be limited to, the following records: library catalog and database searches, circulation records, computer use (including on-line and off-line activity on library computers), interlibrary loan records, and reference interviews. Such information shall not be released or made available in any format to any agency of state, federal, or local government, or other person unless a court order, or subpoena in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking records.

While the Library will endeavor to protect the privacy of patrons' use of Library computers and borrowing practices, absolute privacy is not guaranteed. Library computers and collection stacks (containing books, magazines, and media) are located in public areas which must be shared by all library users. In addition, the Library cannot and does not guarantee that every task completed via its network is unconditionally private and secure.

Any employee of the Henderson County Public Library who receives a request, or who is served with a subpoena, court order, or other legal process, to release or disclose any library records shall promptly notify the Library Director or Assistant Director. The Library Director, or Assistant Director, shall, in a timely manner, review all requests and orders, consult with an attorney representing the Library as necessary, and respond in an appropriate manner to each such request and order in accordance with this Policy. Protected and confidential information

may be disclosed by the Library Director or Assistant Director without a subpoena, court order, or other legal process to a law enforcement officer who is investigating a matter which may be reasonably construed to be a threat of imminent or immediate danger to life or limb of the general public or staff. The Library Board of Trustees shall be notified of any release of patron information that is disclosed without a subpoena, court order, or other legal process.

Adopted by the Henderson County Public Library Board of Trustees: July 11, 2002  
Reviewed and amended: June 24, 2008 / October 9, 2014