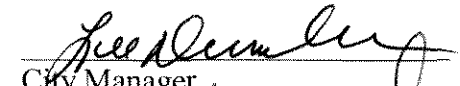


**City of Lubbock, TX
Library**

Administrative Policies and Procedures

Subject: Confidentiality of Library Records **Effective Date:** 01/04/96

Approved by: 
City Manager **Revised Date:** 04/01/08


Assistant City Manager


Executive Director


Library Director

Applies to: Library Staff

Policy: The freedom to read encourages responsible citizenship and open debate in the marketplace of ideas. The beneficial objectives of a free democratic society will be promoted if citizens have, and are assured that they have, the freedom to read and the opportunity to consider all types of information.

The First Amendment of the Constitution of the United States protects free speech and a free press. The Constitution of the State of Texas provides that "no law shall ever be passed curtailing the liberty of speech or of the press." A corollary of those constitutional guarantees is the corresponding freedom to read what is written, hear what is spoken, and view other forms of expression without fear of intrusion, intimidation, or reprisal. The guarantee of privacy for readers, hearers, and viewers will ensure this freedom.

The library policy is pursuant to Chapter 552 of the Texas Local Government Code, referred herein as the Texas Public Information Act, relating to making confidential a record that would identify a person who uses library services or materials.

Records of the Lubbock Public Library which identify or serve to identify a person who requests, obtains, or uses library materials or services are confidential and are excepted from required disclosures under the Texas Public Information Act, Chapter 552, Government Code.

Such records generally may be disclosed ONLY if,

- The library determines that disclosure is reasonably necessary to the operation of the library and the records are not confidential under the state or federal law.
- The records are released to the person to whom the information relates or the person to whom the information relates has given permission, in writing, for the information to be released.
- The records are required by law enforcement or a prosecutor under valid court order or subpoena, as provided for under the provisions of the Texas Public Information Act, Section 552.124, Government Code.

Roles and Responsibilities:

Library Director/Staff

Confidentiality of library records is a basic principle and ethical responsibility of librarianship.

As a matter of policy or procedure, the library director will ensure that

- He/she consults with legal counsel to make sure that counsel is aware of the policy and agrees with interpretation.
- The library staff, library board, and volunteers are kept familiar with the policy on confidentiality at the time of induction to library service.
- Staff and board are familiar with the confidentiality article of the Texas Public Information Act, as well as the ALA Policy on Confidentiality of Library Records, and the ALA Statement on Professional Ethics.

Procedures:

Confidentiality Guidelines

Procedures have an impact on confidentiality. The following are recommended to bring library procedure into compliance with the Texas Public Information Act and American Library Association policies:

- Avoid unnecessary records. Give careful consideration before creating written records pertaining to patron's use of library materials and/or services.
- Review record retention requirements and destroy records as soon as possible.

- Eliminate any confidential information that may be on public view, e.g. overdue notices or filled request notices mailed on postcards, or names of patrons by circulation desk. Use reasonable care when providing patron information over the phone, e. g. titles of interlibrary loan items or reserved materials and do not give out titles. Do not leave confidential information on voicemail or answering devices.
- Confirm patron requests/checkouts:

A patron must present their patron barcode number, either in person, by telephone, or by email before any information will be given concerning the following:

Items checked out

Items overdue

Fine information

Information on items on reserve

When speaking to a family member and not to the patron, information about library material should be restricted to information that does not reveal the content. If a person requests information about a patron, staff will state that they are only permitted to discuss specific information with the patron.

- Protect personal patron information:

Address, phone numbers, or any other personal information from a patron's record may not be given out without direct consent of the library director, after consulting with the City Attorney's Office. A parent of a child under 17 years old may have access to the child's record.

Law Enforcement Visits

The following steps should be taken when law enforcement officers visit:

- If anyone approaches library staff claiming to be a law enforcement official who is requesting information, do not disclose any information to that individual. Immediately contact a supervisor or the library director.

- When contacted, the supervisor or director will ask to see official identification and will photocopy the ID.
- If law enforcement presents a subpoena, library staff should direct that person to their supervisor or library director, who will in turn direct the subpoena to legal counsel.
- If library staff is presented with a warrant, staff should not interfere with the search and seizure. Staff will contact a supervisor or the library director as soon as possible.
- When presented with a legal request, library administration will keep a record of all such requests and photocopy all documents.
- If costs are incurred by any search and seizures, they will be recorded.
- If a “gag order” is not in effect, the director will notify the American Library Association.

Checks and Balances:

The library director and supervisory personnel will ensure that library staff is trained in confidentiality procedures.

Forms and Required Documents:

Texas Public Information Act, Chapter 552, Government Code
<http://www.tsl.state.tx.us/agency/customer/pia.html>

American Library Association Policy on Confidentiality of Library Records
<http://www.ala.org/ala/aasl/aaslproftools/positionstatements/aaslpositionstatementconfidentiality.cfm>

American Library Association Statement on Professional Ethics
<http://www.ala.org/ala/oif/statementspols/codeofethics/codeethics.htm>