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4 SERVICE
4.5 Confidentiality of Library Records

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Original policy first adopted July 1995

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4.5.1 Rationale

The ALA Code of Ethics requires that librarians maintain the confidentiality of all personally identifiable information about library users. Personally identifiable information is any information that links a user's choices of taste, interest, or research to that user's identity. As set forth in Article III of the Code of Ethics, librarians must "protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted." Consequently, the right to privacy articulated in the Code of Ethics extends to a multitude of library patron records, such as database search records, reference interviews, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services. As library services continue to move online, the Code of Ethics requires that patron privacy remain a paramount concern for librarians, subject to any legal requirements as set forth in Sections 4.5.2, 4.5.3, and 4.5.4.

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Notwithstanding the foregoing:

a. Any patron is entitled to information regarding his or her items on loan, items on hold, items overdue and fines. A parent or guardian may have access to the same information for his or her minor child. This applies to children up to age 18 unless the minor is emancipated (legally free of parental control). No information will be released without verification of card ownership and parental relationship.

b. With the prior approval of the Library Director:

(1) Names and addresses extracted from the patron records and files may be used from time to time by the Library for the purpose of conducting user surveys or to notify users of upcoming events; and

(2) Names and addresses of adult library users eighteen (18) years of age and older may be extracted from the patron records and files from time to time by the Carmel Clay Public Library Foundation, and by no other agency, organization or foundation, for the sole purpose of notifying users of upcoming events in support of the Library or to invite users to participate in or to monetarily support Carmel Clay Public Library Foundation activities in support of the Library;

Provided, in each such case, that care is used (A) to prevent such information from being used or misappropriated, and (B) to enable patrons to inform the Library of their desire not to receive such notifications and for the Library to honor those wishes.

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Carmel Clay Public Library staff will not respond to any request by a third party for *personally identifiable information* about any library user. Such information includes database search records, reference interviews, email requests for information, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services.

Personally identifiable information may be released only to a law enforcement agency after presentation of an order by a court of competent jurisdiction issued in proper form (a court issued subpoena or search warrant) and/or under the provisions of the USA Patriot Act.

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4.5.3 Personally Identifiable Information

- **Circulation Records:** Carmel Clay Public Library will collect only the information needed to contact library users, such as mailing address, email address, phone number, etc., in order to ensure the proper notification, lending, and return of library materials and the collection of fines. Records will be retained for the shortest length of time necessary to facilitate library operations.
- Library cardholders submit their name, email address, postal address, telephone number or other identifying information in order to receive library services such as borrowing privileges, access to Internet stations, receiving personal responses to questions, receiving library or Friends of the Library promotional materials, or being added to specific mailing lists. The Library does not sell, rent or otherwise distribute information to outside parties except for possible uses related to the recovery of materials, and then in the most restrictive way possible to accomplish their purpose.
- Reference questions are retained only for the purpose of statistics and to assist with follow up queries from clients. The questions themselves and any personal information such as names, email addresses, telephone and fax numbers submitted with the questions are confidential and are treated as other library user information under provisions the Confidentiality of Library Records policy above. Email questions will be deleted on a regular basis.
- Searches of the online public access catalog (OPAC): The Library does not require personal information to use the OPAC. Once a search is completed, a patron may clear their own search history. The search history is also erased automatically whenever the web browser is closed. The software does not retain a copy of any search.
- Electronic databases, digital collections, and the Internet: library patrons should be aware that the Carmel Clay Public Library and other Indiana library organizations license commercial databases from a variety of vendors. The Library will make a reasonable effort to restrict electronic database vendors from collecting and using identifying personal information of library users, however it provides no guarantee that personal information will not be shared with third parties.

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4.2.3 Personally Identifiable Information

- **Interlibrary Loan Records:** patrons may borrow items not owned by the Carmel Clay Public Library from other libraries within Indiana and nationally. Interlibrary loan records will be retained for the shortest length of time necessary to facilitate library operations and will be kept confidential and be destroyed.
- **Reference Interviews:** a reference interview occurs when a patron looking for information approaches a library staff member, who interviews the patron in order to narrow down the specific information needed. Patron information will be retained for the shortest length of time necessary to facilitate reference services. Written patron information will be kept confidential and be destroyed.
- **Study Rooms:** names of patrons and visitors using the Library's study rooms will be logged for the purpose of managing fair use of the rooms only. Lists will be deleted on a regular basis.

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4.5.4 Video Surveillance

The Carmel Clay Public Library strives to maintain a safe and secure environment for its patrons and staff. To this end the Library has active alarm systems and video surveillance equipment for security, deterrence and identification, and has established policies regarding patron behavior.

Selected public areas of the Library premises are equipped with video cameras that detect and record all movement in those areas. The video security cameras will complement other measures to maintain a safe and secure environment in compliance with Library policies. Camera locations shall not be changed or added without the permission of the Director.

The Library's video security system shall be used only for the protection and safety of patrons and employees and Library assets and property. Reasonable efforts shall be made to safeguard the privacy of patrons and employees. Video cameras shall not be positioned in restrooms. Cameras shall not be positioned in any manner to identify a person's reading, viewing or listening activities in the Library.

Only the Director, Assistant Director and other employees and/or service providers designated by the Director ("Authorized Employees") shall be authorized to operate the video security system.

The following criteria will govern the storage, use and disclosure of video records:

- Video records may be used to identify the person or persons responsible for or involved in violations of Library/City policies, practices and procedures, alleged illegal conduct on Library premises or actions considered disruptive to normal Library operations or deleterious or harmful to the provision of Library Services.
- Video records may be used to assist law enforcement agencies in accordance with applicable state and federal law upon receipt of an enforceable legal process. Video records may be viewed by Authorized Employees when appropriate or, upon approval by the Director, other
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Library employees to identify person(s) suspended from Library property and otherwise to maintain a safe, secure and appropriate environment.

- Only the Director or Assistant Director shall be authorized to release any video record to anyone other than an Authorized Employee, including, but not limited to, law enforcement personnel, and only in accordance with the policies and conditions set forth above. In no event – unless required by an enforceable legal process – shall any such records be released to the media, to patrons or other persons.
- Images from the Library video surveillance system shall be stored digitally on hardware in the Library. The Library will retain all recorded images for approximately seven to fourteen days. Typically, images will not be routinely monitored in real-time, nor reviewed by Library staff, except when specifically authorized by the Director or other Authorized Employee. Video records of incidents can be retained and reviewed as long as considered necessary by the Director or Assistant Director.

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4.5.5 Public Relations, Social Media and Digital Resources

The Library maintains a dedicated web site and other related social media accounts. The Library may post pictures or videos of library programs and events on these sites in order to promote the events themselves or to promote the Library in general. Being an information agency in the digital age, the Library views these activities as an important component of connecting with the community. However, the Library also recognizes a balance must be struck to also respect and protect the privacy of library patrons. Therefore, the following restrictions will apply to posting pictures of library events:

- The Library shall refrain from posting single-person close-up pictures of any individual without permission or acknowledgment from the individual.
- The Library shall not name, or tag, any individuals in photographs or videos posted on library social media without written permission.

The library may also select photographs of events for promotional purposes in print media, such as annual reports, adhering to the same privacy criteria.

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4.5.2 Access to Public Records

Access to public records is governed by IC 5-14-3. The Carmel Clay Public Library supports the State of Indiana's public policy that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

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4.5.3 Exemptions

In this spirit, the Carmel Clay Public Library exempts from public disclosure, as provided for in the Indiana Code (IC 5-14-3-4), only those records necessary to protect the privacy of the staff and patrons. The following public records will be exempted from the disclosure requirements and declared confidential:

- Personnel files of Library employees and files of applicants for employment, except for:
 - (a) The name, compensation, job title, business address, business telephone number, job descriptions, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Library.
 - (b) Information relating to the status of any formal charges against the employee; and
 - (c) Information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.
- Administrative or technical information that would jeopardize a record-keeping or security system.
- Computer programs, codes, filing systems, and other software that are owned by the public agency or entrusted to it.
- Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1.
- The identity of a donor of a gift made to a public agency if the donor requires nondisclosure of his identity as a condition of making the gift.
- Library records which can be used to identify any Library patron.

All records identified above as confidential will not be made available to any individual or any agency of federal, state, or local government except pursuant to any legal process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures, or legislative investigative powers.

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4.5.4 Existing Laws

The library will rely on existing laws and library policies to control behavior that involves public safety or criminal behavior.

*Original policy first adopted July 1995
Draft policy pending approval of the board of directors*

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