

4 SERVICE
4.5 Confidentiality of Library Records

Original policy first adopted July 1995

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.

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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4.5.2 Access

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.

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.

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.