

South Plainfield Public Library Confidentiality of Library Records Policy & Procedure

POLICY:

The Board of Trustees of the South Plainfield Public Library believes it is the basic right of every individual to read what he or she wishes without fear of censure or legal consequence. It also affirms the right of every person to privacy. The library will do everything in its power to protect each user's right to privacy with respect to all information required for registration and for information sought or received, and materials consulted, borrowed or acquired. Such records will not be made available to any individual, organization or government agency except pursuant to **N.J.S.A. 18A:73-43.2** which states:

“Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:

- a. The records are necessary for the proper operation of the library;
- b. Disclosure is requested by the user; or
- c. Disclosure is required pursuant to a subpoena issued by a court or court order.

L.1985, c 172, s. 2, eff. May 31, 1985.”

Examples of records being disclosed for the proper operation of the library include, but are not limited to: correspondence with a collection agency to retrieve overdue materials, discussions concerning borrowing and overdue status with other libraries the patron may be using, and determining the last patron of an item that has been returned damaged. Registration information may be used in cases of theft or vandalism, the need to contact parents/guardians of minors, or illegal use of South Plainfield Public Library’s Internet resources (please see our Computer Use & Internet Access policy).

PROCEDURE:

If staff is approached by anyone making a request for confidential records (registration or usage records, computer use, reference inquiries, etc.) the following steps will be taken:

1. The staff member receiving the request(s) will immediately refer the person making the request to the Library Director. If the Director is not available, then the supervisor who is on duty will handle the situation. The Library Director will be notified of the situation as soon as possible.
2. The Library Director or supervisor on duty will verify and record the identity of the person asking for the confidential materials. This person will then be given a copy of the library's confidentiality policy which outlines New Jersey's Confidentiality of Library Records Law (NJSA 18A:73-43.1)
3. If the Library Director or supervisor on duty is given a subpoena, or court order the Board Attorney will be notified to determine if the request is properly prepared in accordance with local, state or federal regulations.
4. If a search warrant is presented, the Library Director or supervisor on duty will review the warrant to assure that it is proper and if it is, will allow the search to proceed immediately. Please note that you will not be allowed to keep a copy of the warrant. You should be given a receipt for any items that authorities remove from the premises.
5. Any threats or unauthorized demands (those not supported by necessary legal documents) should be reported to the Library Director as well as the Board Attorney.
6. Any issue relating to the privacy of a Library user's personal data as recorded by the South Plainfield Public Library that is not provided for in this procedure shall be referred to the Library Director. A decision on the problem shall be made after study of the issues and consultation with the Library Board of Trustees and/or Board Attorney.

*PLEASE NOTE: The NJ Confidentiality Law supersedes the Open Public Records Act. OPRA specifically provides that records should not be disclosed if the records are protected by another law like the Confidentiality Statute N.J.S.A. 47:1A et seq

Adapted from NJLA's Statement on Privacy (2013)