Privacy and Confidentiality of Patrick Heath Public Library Records

Introduction

The Patrick Heath Public Library (herein after referred to as “Library”) is a central resource where information and differing points of view are available. Library patrons are free to use the library and its materials and services without government, community, or individual interference, in accordance with existing library policy. In accordance with the American Library Association’s Code of Ethics: “We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.”

Policy

In accordance with the Texas Government Code Section 552.124 of the Public Information Act addressing records of a library or library system, the Library protects the privacy of library patrons by prohibiting access to patron information by third parties. Information about library materials on loan, reserve, or used in the library, as well as personal information is restricted to the cardholder and will not be disclosed to a third party except:

1) The library determines that disclosure is reasonably necessary to the operation of the library;

2) To persons authorized in writing by an adult patron and in possession of that patron’s library card representative; or

3) The records are required to be disclosed under a valid court order, subpoena, or as provided for under the provisions of the Texas Government Code Section 552.124.

Disclosure of Personal Information of a Minor: The library record of a minor has the same confidentiality protection under library policy as that of any other patron. However, the library allows parents, legal guardians, or adult sponsors (individuals who are 17 years old or older and assumed financial responsibility for materials checked out under the minor’s card) to obtain specific information about the minor child’s library records when materials are overdue or lost.

Except in instances identified above, library staff and volunteers will not provide a patron’s personally identifiable information to anyone other than the patron, who may be asked to verify his or her identity. Examples include titles of items checked out, overdue or on reserve; addresses; phone numbers; or any other personal information. When a patron is unable to confirm his or her identity as required, a printout of the requested information may be mailed to the patron using the mailing address provided in the library’s registration records.
Information such as number of items checked out or fines amount are not considered confidential and may be disclosed.

**General Guidelines in Implementing This Policy**

Confidentiality of library records is a basic principle and ethical responsibility of librarianship. As a matter of policy or procedure, the Library Director should insure that:

- They consult with the City Attorney to make the City Attorney aware of policy and agree to its interpretation;
- The library staff and library advisory board are familiar with the library confidentiality policy;
- The library staff and governing body are familiar with the American Library Association’s “Policy on Confidentiality of Library Records”, the “Code of Ethics”, the “Policy Concerning Confidentiality of Personally Identifiable Information about Library Users”, and the library confidentiality article of the Texas Public Information Act.
- The library staff is familiar with and is required to follow the “specific guidelines” set forth below.

**Specific Guidelines in Implementing This Policy**

Library operating procedures have an impact on confidentiality. To bring this library into compliance with the Texas Public Information Act this library will observe the following procedures:

- Avoid unnecessary records. Only record a patron’s personally identifiable information when necessary for the efficient operation of the library.
- Avoid retaining records that are not needed for efficient operation of the library. Check with City of Boerne officials to determine record retention requirements and destroy records accordingly.
- Eliminate any confidential information that may be contained in the responsive information. Examples of confidential information found in a patron’s personal library records include:
  - Patron and/or parent/legal guardian name
  - Telephone number
  - Addresses [physical and mailing];
  - Email address;
  - Driver’s license number;
  - Listing of materials on reserve or on hold;
  - Listing of materials currently checked out;
o Interlibrary loan requests;
o Charges owed including material titles.

- Library staff should close out a patron’s computer record as soon as the transaction is concluded;

- Use reasonable care when providing patron information over the phone and always confirm patron identification. For example, when leaving a phone message, library staff will not record anything specific regarding patron information, such as the titles of items checked out, items overdue or items on reserve;

- In the interest of an individual’s privacy and protection, library staff will not reveal whether they know if a person has visited the library or is at the library at that time;

- Additionally, library staff will never share a patron’s identity or account information with another patron when checking the status of an item.

**Handling Requests for Information**

The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library patrons will immediately refer the person making the request to the Library Director.

Any threats or unauthorized demands (i.e., those not supported by a warrant, process, order, or subpoena) concerning circulation and other records identifying the names of library patrons shall be reported to the City Attorney.

The Library Director, upon receipt of such warrant, process, order, or subpoena, shall consult with the City Attorney and the City Secretary to determine if such warrant, process, order, or subpoena is valid and enforceable. If the warrant, process, order, or subpoena is not valid and enforceable, insistence shall be made that such defects be rectified before any records are released.

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