

Confidentiality of Records

”All records concerning library users and materials used or checked out by users are confidential and will not be made available to any agency of state, federal, or local government or any other person unless a court order requiring disclosure has been entered by a court on competent jurisdiction. All requests for such information must be referred to the library Director or his/her designee.”

The Caledonia Library has adopted the following state law into policy in regards to library records:

New York State consolidated Laws Civil Practice Law and Rules

Article 45. Evidence

NY CLS

4509

Library records, which contain names or other personally identifying details regarding the user of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photo copies, of library materials, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Procedures for implementing “policy on confidentiality of library records.”

1. The library staff member receiving the request to examine or obtain information relating to circulation or registration will immediately refer the person making the request to the director.
2. Since all records are held at OWWL headquarters, the staff member/director of this institution will immediately inform the responsible person at headquarters. The director, upon receipt of such process, order or subpoena shall consult with the appropriate legal officer assigned to the institution to determine if such process , order or subpoena is in good form and if there is a showing of good cause for it s issuance.
3. If the process, order or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. The legal process requiring the production of circulation records shall ordinarily be in the form of subpoena “duces tecum” (bring your own records) requiring the responsible officer to attend court or the taking of his/her deposition and may require him/her to bring along certain circulation records.
4. Any threats of unauthorized demands (i.e. those not supported by a process, order or subpoena) concerning circulation or registration records shall be reported to the appropriate legal office of the institution.
5. Any problems relating to the privacy of circulation and registration records, which are not provided for above shall be referred to the director.