

I. General Statement of Policy:

The Trustees of the Ossipee Public Library believe that each library user has a right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted. Accordingly, it is the policy of the Ossipee Public Library to treat as confidential all records in its possession that contain the names or other personal identifying information regarding users of the Library. The Library's Director, its employees or its trustees will only release such information to third parties when required by law.

201-D:11 Library User Records; Confidentiality. –

- I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in paragraph II. Such records include, but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services, including records of materials that have been viewed or stored in electronic form.
- II. Records described in paragraph I may be disclosed to the extent necessary for the proper operation of such libraries and shall be disclosed upon request by or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.
- III. Nothing in this section shall be construed to prohibit any library from releasing statistical information and other data regarding the circulation or use of library materials provided, however, that the identity of the users of such library materials shall be considered confidential and shall not be disclosed to the general public except as provided in paragraph II.

Source. 1989, 184:3, eff. July 21, 1989. 2009, 273:1, eff. July 29, 2009.

II. When Release of Information is required by Law:

- a. New Hampshire Law, Section 201-D:11 of the New Hampshire Revised Statutes describes the circumstances in which a New Hampshire public library must disclose information about a user to a third party. Those circumstances are (1) when requested or authorized by the user, (2) pursuant to a subpoena, (3) pursuant to a court order (including a search warrant) or (4) when otherwise required by statute. It is the policy of the Madison Library to comply under these circumstances.
- b. Federal Law: Title 6 Chapter 1 Section 122 (USA PATRIOT Act of 2001) stipulates that Federal authorities may obtain the records of a public library pursuant to investigation of terrorist activities. If the Library were served with such an order, the Library would be required to disclose patron records and would be prohibited from revealing their disclosure.

III. What the Library Will Do When Served with a Court Order or Subpoena

It is the responsibility of the Library Director to handle all inquiries from law enforcement authorities. If the Library Director is unavailable, a Staff member should refer the inquiry to the Chair of the Library Trustees or, if unavailable, to another member of the Board of Trustees.

When a member of the Library Staff is served with a subpoena or court order purporting to require the disclosure of user information, or if a Staff member is otherwise approached by legal authorities in connection with library records, the Staff member shall immediately refer the matter to the Library Director, or, if unavailable, to a member of the Library Trustees.

The Library Director (in consultation with the Trustees) shall seek the advice of counsel prior to complying with any court order or subpoena requiring the release of user information. In no circumstance shall the Library comply with a subpoena without first obtaining the advice of counsel.

IV. What Information the Library Keeps about Users

Because the Ossipee Public Library respects the privacy of its users, it is the policy of the Library to maintain user-specific information only as necessary. Specifically, the Ossipee Public Library maintains only the following categories of user information:

- a. The Library maintains the name, address, telephone number, and signature of each person with circulation privileges. Inactive accounts are purged after three years.
- b. The Library also keeps a record of the user's age for persons age 12 and under, as well as the name and signature of a parent or guardian authorizing the circulation privileges for junior card holders.
- c. The Library maintains a record of the current borrower of any item in use and the immediately preceding borrower.
- d. The Library keeps a record of unpaid charges, including the user responsible for the charge and the item from the collection for which the charge was accrued.
- e. The Library maintains a list of patrons who have signed a Computer Use Agreement to access the Internet while in the library. The Library does not maintain records of users' computer activities or internet sites visited.
- f. Statistical information maintained by the library (collection use, private service activities, library visits, etc.) does not identify specific users of library materials.

