



# Privacy, Confidentiality and Law Enforcement Request Policy

## **I. Statement of Purpose**

The Westport Public Library Board of Trustees has determined that the privacy of its users, the use and non-use of the Library's confidential information, and requests from law enforcement agencies and other authorized governmental entities should be subject to a published written policy. The purpose of this Privacy, Confidentiality and Law Enforcement Request Policy is to establish the procedures and rules applicable to the access to and use of the Library's confidential information.

## **II. Privacy and Confidentiality**

It is the policy of the Westport Public Library to:

- preserve the privacy of its circulation records, and
- treat all of the Library's personally identifiable information with confidentiality.

This privacy and confidentiality standard is basic to the trust users place in the Library and its staff. In addition, this privacy and confidentiality is the fundamental tenet of the professional ethics of librarianship.

The American Library Association's Code of Ethics states: "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."

In addition, Section 11-25(b) of the Connecticut General Statutes protects the confidentiality of personally identifiable information contained in the circulation records of all public libraries.

## **III. Confidential Information Retention**

The Library shall endeavor to create and maintain only necessary records. The Library shall create and follow a schedule for the deletion of personally identifiable information when such information is no longer necessary for the efficient operation of the Library. The

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Library Director shall have sole discretion with respect to determining the appropriate retention of records. Any request for information by the media shall be handled in accordance with the Library's Media Policy.

### **IV. Law Enforcement Requests**

Any Library records containing personally identifiable information are confidential and shall not be made available to any agency of state, federal, or local government without the individual's authorization, except pursuant to such proper 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 power.

The Library Director, and/or any person duly appointed in writing by the Library Director, shall be responsible for handling all law enforcement or similar requests to obtain the Library's confidential information.

If there is a request for confidential information:

- the Library staff shall immediately refer all law enforcement inquiries to the Library Director, or in his or her absence, to his or her duly appointed designee;
- the Library staff shall not release any Library confidential information until authorized in writing by the Library Director, or in his or her absence, by his or her duly appointed designee; and
- the Library Director, or in his or her absence, his or her duly appointed designee, shall immediately consult with appropriate legal counsel to determine if such request is in proper form and to formulate an appropriate response.

If the law enforcement agent or officer does not have a subpoena or court order compelling the production of records, the Library Director shall explain the Library's privacy and confidentiality policy and the state's confidentiality law and inform the agent or officer that the Library's confidential information is not available without the production of a valid subpoena or court order. If the agent or officer produces a subpoena or court order, the Library Director shall immediately refer it to legal counsel for review.

Based upon advice of legal counsel, the Library Director, or his or her duly appointed designee, shall determine whether to release the requested confidential information.

### **V. Enforcement**

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The provisions of this Privacy, Confidentiality and Law Enforcement Request Policy will be construed and enforced by the Library Director at his or her sole discretion.

All decisions, determinations and actions taken by the Library Director or any other Library staff person with respect to this Privacy, Confidentiality and Law Enforcement Request Policy are subject to review only by the Board of Trustees.

**VI. Amendment**

The Library Board of Trustees reserves the right to amend this Privacy, Confidentiality and Law Enforcement Request Policy at any time.

*Adopted by the Library Board of Trustees May 12, 2003; amended October 17, 2007.*