

# Bedford Public Library

## Confidentiality Policy

### **Policy Statement 1—Texas Public Information Act**

Any and all records produced by or received by the Library will be subject to legal requirements under the Texas Public Information Act.

- 1.1 The Library will keep patron records confidential and will not disclose this information except as necessary for the proper operation of the Library, upon written consent of the user, pursuant to subpoena or court order, or as otherwise required by law.
- 1.2 All other requests for information must be submitted in writing to the City Secretary.
- 1.3 Parents or legal guardians of children under age 17 who accepted responsibility for the account can have access to information on their child's Library card.
- 1.4 Patrons may designate another person to pick up their holds by giving the individual their Library card.

### **Policy Statement 2—Subpeona**

- 2.1 The Library Director or designee will ask for law enforcement official's identification and contact information.
- 2.2 The Library Director or designee will accept the subpoena.
- 2.3 The Library Director or designee will inform the officer that the City Secretary and City Attorney respond to subpoenas on behalf of the library.
- 2.4 The Library Director or designee will turn the subpoena over to the City Secretary and City Attorney. If library staff accepts service of the subpoena in the absence of the Library Director or a designee, the subpoena should be turned over to the Library Director. The Managing Director will be notified.
- 2.5 The Library Director or designee will work with the City Secretary and City Attorney to respond appropriately to the subpoena.

### **Policy Statement 3—Search Warrant**

- 3.1 The Library Director or designee will ask for the law enforcement official's identification and contact information.
- 3.2 The Library Director or designee will accept the search warrant.
- 3.3 The Library Director or designee will immediately inform the City Secretary and City Attorney to provide advice and assistance. The Managing Director will be notified.
- 3.4 The Library Director or designee will ask the law enforcement official if he or she would be willing to delay the search until the City Secretary or City Attorney arrives.
- 3.5 The Library Director or designee will read the warrant and any attached documentation.
- 3.6 The Library Director or designee will verify that it is signed by a judge and is issued by a local state or federal court. If there are questions about the validity of the warrant, a call should be made to the issuing court to verify the validity of the warrant or order.

- 3.7 The Library Director or designee will identify the items or records specified in the warrant. If the officer will not wait for the City Secretary or City Attorney, the Library Director or designee will assist the law enforcement official in locating the items or records identified in the search warrant in order to prevent review of records or items not named in the warrant.
- 3.8 The Library Director or designee will not agree to any additional searches, or volunteer information about the items or records in the warrant.
- 3.9 The Library Director or designee will not sign any documents on behalf of the City without the advice of the City Attorney.
- 3.10 The Library Director or designee will ask the officers to provide an inventory of the items or records seized.
- 3.11 The Library Director or designee will ask if it is possible to provide copies to the officers or to make copies for the library's own records.
- 3.12 The Library Director or designee will not obstruct the search in any way.
- 3.13 If the law enforcement officials are unwilling to cooperate, simply step aside and let them do their job. Request that the law enforcement official sign an inventory receipt for the materials.
- 3.14 The Library Director or designee will keep a written record describing the incident.
- 3.15 The Library Director or designee will provide all notes and records to the City Attorney. If library staff is required to respond to a search warrant in the absence of the Library Director or designee, all materials should be turned over to the Library Director.
- 3.16 A sample search warrant is in contained in the Policy Manual folder.

#### **Policy Statement 4—USA Patriot Act**

The Library will comply with the USA Patriot Act.

- 4.1 The USA Patriotic Act prohibits the Library from notifying a patron about the request for information.
- 4.2 A Library staff member presented with one of the following documents should immediately contact the Library Director or designee to handle the requests:
  - An order issued ex parte (from one party) by a Foreign Intelligence Surveillance Court (FISC) "requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities."
  - A National Security Letter requiring records of electronic communications from any library or library consortium that is deemed to be a "wire or electronic communications service provider."
- 4.3 The Library Director or designee will ask for the law enforcement official's identification and contact information.
- 4.4 The Library Director or designee will accept the order issued by FISC or the National Security Letter.
- 4.5 The Library Director or designee will immediately inform the City Secretary and City Attorney to provide advice and assistance.

- 4.6 The Library Director or designee will read the order and any attached documentation. If it provides a period of time to respond to the order the same as a subpoena. Except for the City Attorney, do not inform other library staff or any other person about the order until authorized to do so by the library's legal counsel.
- 4.7 If the order requires the immediate surrender of records or other items, respond to the order in the same manner as a search warrant. Ask the agent if he or she will delay the search until the library's legal counsel arrives.
- 4.8 If required to turn over records or other items at once, do not notify any library staff except for legal counsel and those staff members necessary for the production of the requested records or other items. (For example, it may be necessary to ask a member of the Information Technology staff to assist with the production of electronic or computer records.) Instruct all staff members who assist in responding to the order that, with the exception of legal counsel, he or she cannot inform other library staff or any other person about the order unless authorized to do so by the library's legal counsel.
- 4.9 If library staff is required to respond to an order issued under the USA Patriot Act in the absence of the Library Director or designee, they should inform the Library Director as the custodian of records. It is not unlawful for library staff to refer the agent to the Library Director or designee; however, except for legal counsel, the staff member should not inform anyone else about the order unless authorized to do so by the library's legal counsel.
- 4.10 A sample Foreign Intelligence order and sample National Security Letter are available in the Policy Folder.