

## Confidentiality Policy:

The Board of Trustees of the Matawan Aberdeen Public Library supports the basic premise that every individual has the right to read what he or she wishes without fear of censure or legal consequences. MAPL will protect each user's right to confidentiality with respect to all information required for registration, information sought or received, and, materials consulted, borrowed, or acquired.

Exceptions to this policy are provided in N.J.S.A. 18A:73-43:2:

Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:

- a. The records are necessary for the proper operation of the library
- b. Disclosure is requested by the user; or
- c. Disclosure is required pursuant to a subpoena issued by a court or court order

L.1985, c.172,2, eff. May 31, 1985

Exceptions to this policy are also contained within the US Patriot Act, adopted by Congress on October 26, 2001. This Act enlarges the ability of the FBI and law enforcement officers to request court orders, including search warrants and court-ordered subpoenas.

Examples of when records may be disclosed for proper operation of the library include, but are not limited to: correspondence with a collection agency to retrieve overdue materials or fines, discussions concerning borrowing and overdue status with other libraries the patron may be using, and inter-library loan requests. Also, registration information may be used in cases of theft or vandalism, if there is a need to contact parents of school-aged patrons, or in circumstances of illegal use of MAPL's Internet resources (see MAPL's *Public Internet Use Policy*).

Any questions or problems relating to the confidentiality of library records that are not covered by this policy (or other policies referred to above) should be referred to the Library Director. As necessary, these questions will be discussed with the Library Board of Trustees and the library's attorney.

Nothing in this policy shall be construed to limit the public's right to access under the Open Public Records Act (OPRA).

**Procedure for Responding to Requests for Confidential Information** If the staff is approached by a person making a request for confidential records (registration or usage records, computer or reference use, etc.), the following steps will be taken:

1. The staff member receiving the request will immediately refer the person making that request to the Library Director. If the Director is not available, the staff member will locate a senior staff member (department head or librarian). At the same time, the staff member will notify the

Director by telephone, if possible.

2. The Director or senior staff member (as outlined above) will verify and record the identity of the person asking for the confidential materials. Then, the Director or senior staff member will explain the Confidentiality Policy and make a copy available.

3. If the Director or senior staff member receives a subpoena, search warrant or other courtordered process, the library's attorney will be notified to determine if the request is properly prepared in accordance with local, State or Federal regulations.

4. If the process, order, subpoena, or warrant is not in proper form, the Director must insist that any problems be rectified before any records can be released.

5. Any threats or unauthorized demands (those not properly supported by the necessary legal forms) concerning confidential information will be reported to the Director. Such threats or demands will be reported to the library's attorney and President of the Library Board.

6. Any problems or questions relating to this policy, that are not addressed above will be referred to the Director.

Adopted by the Board of Trustees, March 14, 2012. [Revised May 9, 2012]