



Wood-Ridge Memorial Library

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WoodRidgeMemorialLibrary.org

PRIVACY POLICY

The staff and Trustees of the Wood-Ridge Memorial Library recognize the rights of all patrons with respect to privacy.

We respect a patron's privacy with regards to any resources used, questions asked and/or materials borrowed. The records of our patrons are confidential.

Patron borrower records are protected under New Jersey State Statute. No staff member or Trustee may divulge any information regarding any patron's borrowing history except under the following conditions outlined below:

N.J.S.A. 18A:73:-43.2 Confidentiality of Library Users' Records

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.

Employees may provide confidential information to library users requesting such information about their own use, e.g., materials borrowed, reserved, renewed, requested or fines owed.

LAWFUL REQUESTS

All records concerning library users, materials used or checked out by users and computer use are confidential and will not be made available to any agency of the

federal, state, county or local governments or to any other person unless a court order or search warrant requiring disclosure has been entered by a court of competent jurisdiction or persons acting within the scope of their duties in the administration of the library.

The Library is legally required to comply with information requests pursuant to the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruction Terrorism Act, P.L. 107-56, Oct 26, 2001). In providing information pursuant to this act or by other court order, staff of the Wood-Ridge Memorial Library shall follow the procedures outlined below:

1. Any requests for information regarding a library user are to be referred to the Library Director, or designee, who will explain the Library's policy and the New Jersey law.
2. If the Library staff member is presented with a subpoena, he/she is to refer the presenter to the Library Director or the Director's designee, who is to contact the Library's attorney to verify its validity and advise the Library of what action to take. The President of the Library Board and Borough Administrator shall also be notified of the request immediately.
3. If the Library staff member is presented with a search warrant from a law enforcement officer, he/she is not to interfere with their search and seizure.

The staff member is to contact the Library Director, or designee, as soon as possible, after a search warrant has been served so that the Director can ask the officer to allow them to consult with legal counsel and to ask that the Library's counsel be present during the search. Whether or not the law enforcement official agrees to await the arrival of counsel, the Library's attorney shall be contacted.

Library staff shall not interfere with a search conducted with a search warrant. A search warrant must be specific as to the information requested. Information outside of the scope of a search warrant should not be released.

Under the USA Patriot Act, the person whose records are subject to a search warrant may not be notified that a search warrant has been served. A supervisor or the Library's attorney may be contacted without a violation of the act. Staff shall not inform anyone else of the existence of the search warrant.

In either the case of a subpoena or a search warrant, records shall be kept of all legal requests and all costs incurred by the Library (including additional staff time and replacement of equipment).

The USA PATRIOT Act permits the FBI to get a search warrant from the Foreign Intelligence Surveillance Act (FISA) court to retrieve library usage records of someone who is under investigation of involvement in an ongoing terrorist or intelligence investigation. Please note that The USA Patriot Act requires a search warrant and not a subpoena. A search warrant can be executed immediately upon service. A subpoena, on the other hand, allows a party a period of time to respond to and contest same.

The act absolves all institutions and employees from any liability for releasing personal information in compliance with a FISA search warrant. If a staff member fails to comply with an information request, or if information respecting a search warrant is disclosed other than to the Library Director or the Library's attorney, the staff member may be subject to being charged with contempt of court.

*Adopted at a public meeting of the Wood-Ridge Memorial Library Board of Trustees
May 13, 2013*

Amended September 14, 2017