

BELGRADE COMMUNITY LIBRARY

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www.belgradelibrary.org

CONFIDENTIAL RECORDS POLICY

The Board of Trustees and staff of the Belgrade Community Library respect the privacy of library patrons in accordance with the United States Constitution and the Constitution of the State of Montana. Under MCA 22-1-1101 (Montana Library Records Confidentiality Act) patron library records, including those of minors, will not be revealed to anyone, including a parent, without written permission of the library patron, or under a court ordered subpoena, or under certain provisions contained in the federal USA Patriot Act.

MCA 22-1-1103 Nondisclosure of library records.

1. No person may release or disclose a library record or portion of a library record to any person except in response to:
 - a. a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library; or
 - b. an order issued by a court of competent jurisdiction, upon a finding that the disclosure of such record is necessary because the merits of public disclosure clearly exceed the demand for individual privacy.
2. A library is not prevented from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation if those reports are presented so that no individual is identified therein.
3. Library records may be disclosed to the extent necessary to return overdue or stolen materials or collect fines.

Electronic Information Collected through the Public Catalog and the Internet

Records linking patrons and library checkouts are retained solely for the purpose of inventory. After checkout and return of materials, information linking patrons and items is automatically expunged, except for the purpose of fine and/or material collection. Library staff can assist patrons with enabling checkout history, if desired. The Library does not collect information from internet activity specifically linking patrons and activity.

Outside Internet Links to Other Websites

Once linked to outside websites and pages, patrons should be aware that their activity falls outside this privacy statement. Other sites may collect and use data linking patrons and use data linking patrons and activity

The USA Patriot Act (from the Trustee Manual of the Montana State Library)

\\BELSERVER\LibraryFiles3\Policies\Confidential Records Policy.docx

Approved by Board of Trustees April 2018
Reviewed by Library Staff March 2018

Enacted after the Sept. 11, 2001, attacks, the Patriot Act broadens the jurisdiction of the U.S. Department of Justice. Among its provisions, the act allows the FBI to seek the library records of any patron suspected of terrorist activities without first obtaining a search warrant or showing probable cause. The agency simply has to state that the agency believes the records are related to an ongoing investigation linked to terrorism. Once the patron's records are requested, the library is under a gag order and prevented from speaking about the search, meaning that the librarian cannot inform the patron that the FBI has obtained his or her records.

Changes were made to the Patriot Act when it was reauthorized in March 2006, including the following:

- The standards under which the FBI can obtain library records in the course of an investigation are now slightly more stringent.
- The librarian can now disclose receipt of the request order, called a Section 215 order, to "any person to whom disclosure is necessary to comply with such order." In addition, the new wording explicitly allows the recipient of the order to consult with an attorney and to obtain legal advice or assistance "with respect to the production of things in response to the order" and disclosure to "other persons as permitted" by the FBI director or the director's designee.
- The recipient is now allowed to challenge the Section 215 order but only in a special court.
- The recipient is now allowed to challenge the gag order within certain circumstances.

The Patriot Act remains quite complicated. Libraries across the country are dealing with the provisions of the act that affect them in different ways. You can learn more about the law and what your library needs to consider from the American Library Association.

http://libraries.msl.mt.gov/consulting/online_publications/trusteemanual/laws_ethics/federallaws

USA Patriot Improvement and Reauthorization Act of 2005 is available from:

<https://www.congress.gov/109/plaws/publ177/PLAW-109publ177.pdf>

RELATED DOCUMENTS:

Montana Code Annotated Library Records Confidentiality Act
Confidential Records Disclosure From