

Washington Public Library

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Confidentiality of Library Records

According to **New Jersey Law (N.J.S.A. 18A:73-43.1-3)**, the confidentiality of library users' records is guaranteed. Information about the patron's use of the library is privileged information and bound by rules of confidentiality. Examples of this privileged information include:

1. Whether or not the person has a library card.
2. When the patron last used his library card.
3. How many times the patron used his library card.
4. What items the patron has checked out.
5. What items the patron has used in the library.
6. What items the patron has overdue.
7. What items the patron has placed on reserve.
8. What reference questions the patron has asked.
9. The names of individuals who have used the library.
10. Any other information relating to the patron's use of the library.

PROCEDURES FOR CIRCULATION DESK

The above law with its requirement to protect our patrons' privacy has a direct impact on the procedures we use. Since this law is not age-specific, it relates to children as well as to adults. Some guidelines follow:

1. **Overdue notices** should be sent to the person who checked out the material even if that person is a child. Notices should not be sent on a postcard, but rather in a sealed envelope which in no way identifies the materials.
2. When **calling to tell a person that their reserved materials have arrived**, do not reveal the names of the items to anyone but the patron who requested them. If the patron is not available or if you are speaking to an answering machine, just say something like, "Mrs. So-and-So, the material you requested has come in and will be kept at the front desk for you."
3. If a patron calls the library to ask what **overdue materials** they have or what **reserves** have come in, verify that they are the patron who requested the material or that they have the patron's permission to get this information by asking for the patron's library card number or for a description of the items on reserve.
4. If a patron wants to **pick up a book for another patron** who has reserved it, that person needs to present one of the following:
 - a. The library card of the person who reserved the item.
 - b. The title of the book.
 - c. The author of the book.
 - d. The subject of the book.

Having any of this information will imply that the person has the patron's permission to retrieve the material for him.

The staff member will then proceed to check out the material in the name of the patron who reserved it.

5. For a person to see the **borrowing records** of another patron, that person must present one of the following:

- a. The patron's library card.
 - b. A court-ordered subpoena.
6. A patron's **reference questions** are also of a confidential nature and are not to be divulged to individuals other than library staff.
7. All library personnel should take care that their discussions do not identify a specific patron's use of the library.
8. Library staff should be aware that these rules of confidentiality apply while they are in a public area of the library or in any conversations they may have with people outside of the library.

Some comments and procedures

Occasionally patrons want us to leave specific circulation information (titles of books on reserve, books overdue, etc.) on their answering machines or with members of their family. Since our "Confidentiality of Library Records" policy does not allow this, we have devised a release form for those patrons who want to give up their right to privacy of their records. This waiver of privacy is limited only to leaving the name of the material requested. The waiver does not extend to the other rights of privacy under the law.

1. Once we receive the signed form from the patron, we can then leave specific information on their machines or with members of their household.
2. Parents are held responsible for the materials checked out by their children, but because of confidentiality we cannot tell them what materials the child has out or on reserve, and we cannot let them pick up materials for their child unless they have the child's library card with them. See #4 above.
3. If someone asks if a particular person has been in the library, we are allowed to tell them. We can ID a photograph or tell them from memory that the person has been in. However, if we have to use *library records* to find out if they have been here, we cannot tell them. The library records are confidential.
4. Remember to shred our Internet sign-up sheets, or any other records with patrons' names on them, when we are finished with them.

Washington Public Library Patron Privacy Release Form

I _____ (library card # _____),
 hereby authorize the Washington Public Library to leave specific circulation records information with
 members of my household or on the recording device reached by telephoning the following number
 _____.

I understand that by signing this form I am relinquishing my right to Privacy of Library Records as defined by the laws of New Jersey. This waiver of privacy is limited only to leaving the name of the material requested. The waiver does not extend to the other rights of privacy under the law.

Signature _____ Date _____

Witnessed by Staff Member _____