

Susquehanna County Historical Society and Free Library Association
Susquehanna County Library - Privacy and Confidentiality of Library Records Policy

Last Updated: 8 September 2023

Board Vote / Effective Date: 18 September 2023

1. The Board of Trustees of the Susquehanna County Historical Society and Free Library Association (Board) specifically recognizes the confidentiality of records related to the circulation of Library materials that contain the names or other personally identifying details regarding the users of the Library in accordance with Pennsylvania law: 24 Pa. Cons. Stat. Sec. 9375:

24 PA C.S.A. Education § 9375

Records of the following institutions which related to the circulation of library materials and contain the names or other personally identifying information of users of the materials shall be confidential and may not be made available to anyone except by a court order in a criminal proceeding:

- (1) The State Library
 - (2) A local library established or maintained under the provisions of this chapter.
 - (3) The library of a university, college or educational institution chartered by the Commonwealth.
 - (4) The library of a public school.
 - (5) A library established and maintained under a law of this Commonwealth.
 - (6) A branch reading room, deposit station or agency operated in connection with a library described in this section.
2. The Board supports the concept of intellectual freedom and the right of each citizen to free access to information without fear of intimidation or recrimination. The Library's confidentiality policy safeguards the First Amendment and privacy rights of Library users. The Library advises employees, volunteers, and patrons that all Library records that contain names or other personally identifying details regarding the users of the Library are confidential.
 3. The Board further subscribes to the American Library Association Library Code of Ethics, Section III, which states, "We protect each Library user's right to privacy and confidentiality with respect to information sought or received and materials consulted, borrowed, acquired, or transmitted."
 4. In all instances and regardless of circumstances, the Library safeguards access to patron Library records and restricts access to that information to only the patron who owns the Library card, with the stipulations and exceptions specified below.
 5. No patron records will be made available to federal, state, or local law enforcement agencies except by a court order as required by law.
 - 5.1. Court orders from law enforcement officers will be referred to the Administrator/ Librarian who will consult legal counsel. Other Library employees will not provide any patron records to law enforcement agencies under any circumstances.

- 5.2. The Library will take such action as is necessary to determine that any court order or process issued by any court or pursuant to any court rule or any agency of government requires that such records be made available.
- 5.3. If law enforcement officers bring a court order in the form of a Search Warrant:
 1. A search warrant is executable immediately unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
 2. The most senior staff person on duty will request that the law enforcement officers wait until the Administrator is contacted and legal counsel is able to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (IMPORTANT: The law enforcement officials are not required to accede to our request to delay the search.)
 3. The Administrator or their designee will work with the officers to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.
6. At SCHS&FLA the term "circulation records" refers to the following:
 - 6.1. Records from the Integrated Library System that link a patron to a specific resource.
 - 6.2. Records of computer usage including browser histories.
 - 6.3. Printouts associated with a specific patron.
 - 6.4. Anecdotal reporting by staff on an individual's library usage.
 - 6.5. Security camera footage.
 - 6.6. Verification of an individual's presence (or lack thereof) in a library facility, vehicle, or virtual service.
7. Exceptions. In the following instances, the procedures outlined above can be bypassed:
 - 7.1. Clear and present danger to library staff or patrons (to be determined by the Administrator).
 - 7.2. Internal library investigation assuming legal counsel determines utilizing documentation, data, or records in specified manner does not violate existing laws.