

Central City Public Library Confidentiality of Library Records Policy

The Board of Trustees of the Central City Public Library recognizes the responsibility to protect the privacy of library users. Confidentiality is essential to protect the exercise of First Amendment rights.

Library records are treated specifically in Code of Iowa 22.7 “Examination of Public Records (Open Records)”, paragraph 13 and 14. The citation is cited below and in this policy:

7. Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for information is cogent and compelling.
14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

Confidentiality extends to information sought or received, and materials consulted, borrowed, or acquired. Confidentiality includes database search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of library materials, facilities, or services.

In addition to the protections afforded by the Code of Iowa and the Constitution of the United States of America, the Central City Public Library will keep confidential the names of card holders and their registration information and will not provide access for private, public, or commercial use.

In keeping with the above statements, and with the Code of Iowa, the following shall be the Central City Public Library Confidentiality of Library Records Policy (the “Policy”):

1. The lawful custodian of the records is the Director of the Library (the “Director”).
2. Central City Public Library registration records and circulation records shall be kept confidential.
3. If there is reasonable cause to believe library registration records are necessary for the progress of an investigation or prosecution, the request for

such records, including the justification of the request, shall be made to the Director, in writing and on official letterhead by an official who has provided necessary identification of the investigation or prosecution workforce.

4. If there is a reasonable cause to believe library circulation records are necessary for the progress of an investigation or prosecution, the judicial system provides the mechanism for seeking release of such confidential records: the issue of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.
5. Circulation records shall not be made available to any agency of local, state, or federal government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, local, state, or federal law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
6. The issuance or enforcement of any such process, order, or subpoena shall be resisted until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

Procedures for enforcing this Policy:

1. The library staff member receiving a request to examine or obtain information relating to registration records, circulation records, or other records identifying the names of library users, will immediately refer such person to the Director, who shall explain the Policy.
2. If the records requested pertain only to registration records and the request has been made in the manner prescribed in the Policy, the Director may either (i) release the records, or (ii) bring the request to the next meeting of the Board for approval as being an exception to the Policy.
3. If the records requested cover circulation or other records protected under the Iowa Code, upon receipt of a process, order, or subpoena, the Director shall consult with legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause.
4. If any written request, process, order, or subpoena is not in proper form or if good cause has not been shown, the Director shall insist that such defects be cured before any records are to be released.
5. Any threats or unauthorized demands (i.e. those not supported by a written request, process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Director.
6. Any problems relating to the privacy of circulation and other records identifying the names of the library users which are not provided herein shall be referred to the Director.

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