



CITY OF RANCHO CUCAMONGA

CONFIDENTIALITY OF LIBRARY RECORDS AND THE USA PATRIOT ACT POLICY

POLICY NO.:
PAGE 1 OF 3
EFFECTIVE: 2/2/95
REVISED: 6/12/03
APPROVED:

PURPOSE: This policy is designed to serve three basic purposes:

1. To ensure free access to ideas and information
2. To prevent invasion of privacy
3. To provide access to an individual's library circulation records (to someone other than the individual) through proper legal process in accordance with the USA Patriot Act.

BACKGROUND: The Board of Trustees of the Rancho Cucamonga Public Library affirms that the tax-supported public library, as a citadel of information and lifelong, independent learning, exists to provide access to information and ideas from all points of view.

Improper release of circulation records would have a chilling effect on such access. Fear of public disclosure, particularly among those who read or view controversial or unorthodox materials, would result in deterring citizens from seeking information through their library.

The USA Patriot Act (attached) provides legal guidelines under which information must be shared with the requesting agency. This policy reflects those legal guidelines.

POLICY: Rancho Cucamonga Public Library records on individual users are for the sole purpose of protecting public property and are not to be used to identify types of materials used by or personal information about individuals.

No records shall be made available to the public, press or governmental agency, except by such process, order, or subpoena authorized by federal, state, or local law. Any costs incurred by the library in any search of records shall be charged to the agency demanding such a search.

PROCEDURE:

- 1) Before approaching an employee, the law enforcement agency, including the FBI, must obtain a search warrant from a court that meets in secret to hear the agency's case.
- 2) A law enforcement officer, even the FBI, may approach staff during regular working hours. Any staff member approached and requested to give information on library records or what

library materials a patron is using should refer the requestor to the Library Director or the Librarian in Charge, without furnishing any further information.

- 3) Library Director or Librarian in Charge shall immediately contact the office of the City Attorney, James Markman, at (714) 990-0901. The Counsel will review the document's legal sufficiency. The law enforcement office must be told of this procedure.
- 4) A law enforcement officer, even the FBI, may approach staff between 5 p.m. and 9 p.m. or on weekends. In this case, the following actions should be taken:
 - a) The officer should be referred to the staff member in charge.
 - b) Staff member in charge should delegate alternate staff member to attempt to reach the following listed in priority order (Contact phone numbers including home phone, pager and cell phone is attached):
 - i) Deborah Clark
 - ii) Robert Karatsu
 - iii) Renee Tobin
 - iv) Michelle Perera
 - c) The staff member in charge should take the officer into an office and hear the request. A search warrant must be produced by the officer. The staff member in charge should ask the officer for identification and carefully read the search warrant to determine the parameters of the search.
 - d) If no one of the Library management staff can be reached, then a call should be made to the City Attorney's office. If there is no one there to take a call, a voice mail message should be left for City Attorney James Markman.
 - e) After these calls have been made and if no further advice is forthcoming, the staff member in charge must comply with the warrant.
- 5) If the warrant lists a name which the officer wants the library staff person to search in the borrower database
 - a) The staff member in charge should do the search personally, so as not to compromise confidential information that is not subject to the current search. Top ranking circulation staff member may be used for assistance to fine tune the search.
 - b) If the name appears in the borrower database, then the staff member in charge must make a screen print of the list of materials checked out to the card holder and hand it to the officer.
 - c) If there is no match for the name as it appears on the search warrant, no further action should be taken. The database should be closed and the interview ended.
- 6) If further questions are asked by the officer, the staff member in charge may answer from personal experience, but not from the database. Or the staff member may request the officer to return when legal counsel is available to sit in on the interview.
- 7) Any inquiry from the FBI or other law enforcement must be reported to Library Administration, by phone or e-mail as quickly as possible and followed up with a written Incident Report form.
- 8) No information about the search may be given to anyone other than Library Administration and the City Attorney's staff.
- 9) Any inquiries from reporters or other media must be referred to Library Administration.