

Patron Records & Law Enforcement

CONFIDENTIALITY OF RECORDS

The Port Orford Public Library's confidentiality policies comply with applicable federal, state, and local laws. Oregon Revised Statute 192.502 (23) exempts from disclosure under open records law: The records of a library, including: (a) Circulation records, showing use of specific library material by a named person; (b) The name of a library patron together with the address or telephone number of the patron; and (c) The electronic mail address of a patron.

It is Port Orford Public Library policy to withhold information that would reveal the identity of a library patron who checked out or used certain materials or who requested an item of information from the Library. Information concerning a patron's account will only be released to that patron.

However, the Library will release information to the parent or guardian of a minor child for the purpose of recovering overdue material and settling accounts for lost, late or damaged material or charges incurred by minor children for which a parent or guardian may be considered liable. The library will not provide information to parents or guardians whose sole purpose for requesting the information is to determine what materials a minor child is using or viewing.

Notwithstanding the library's confidentiality policy, the library will release confidential patron records if ordered to do so by a court of competent jurisdiction. Before releasing these records, the Library Director may forward the court order to an Attorney Legal for review.

CHOICE AND CONSENT

The Port Orford Public Library will not collect or retain a patron's private and personally identifiable information without the patron's consent. If a patron consents to give the patron's personally identifiable information to the library, it will keep it confidential and will not sell, license, or disclose personal information to any third party without the patron's consent unless the library is required by law to do so.

REQUEST FOR INFORMATION

The Library Director is the custodian of library records. All requests for records from law enforcement, the public, the press, or any other source must be forwarded to the Library Director. The Library Director will consult with an Attorney before deciding the appropriate response for records requests.

USE OF LIBRARY RECORDS

The Port Orford Public Library reserves the right to use library records for administrative and safety purposes, such as recovering overdue materials, payment for lost items, customer surveys, administrative mailings, or assisting in the investigation of crimes committed at the library. The library does not allow the use of library records for fundraising or political purposes.

LAW ENFORCEMENT REQUESTS

The library must comply with all applicable federal, state, and local laws. Oregon Revised Statute 192.502 (23) exempts library records from open disclosure law as stated in this policy manual under *Confidentiality of Records*. Should law enforcement, or any agency of state, federal, or local government request patron records, they can only do so upon a court order or subpoena authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power. All law enforcement requests will be referred to the Library Director. If the Library Director is unavailable, staff will inform the Chair of the Library Board of Directors of such request and supply them with the identification of the officer or agent including:

- Badge number
- Name of the law enforcement agency
- The officer/agent's name and phone number
- If possible, obtain a business card.

SEARCH WARRANTS AND SUBPOENAS

Any employee who receives a request for library records must ask for the identification of the person or entity making the request and then immediately refer such person or entity to the Library Director. In the absence of the Library Director, the employee should immediately refer to the designee in charge as assigned by the Library Director. The Library Director, or designee, should attempt to contact the library's legal counsel and to have such legal counsel present.

In the event that legal counsel is not available, the Library Director, or designee, should only meet with the requesting person or agent with another library staff member in attendance. If the requesting person or entity, the agent, or officer of that person or entity does not have a court-issued order, subpoena, or search warrant compelling production of the records, the Library Director, or designee, will explain the library's confidentiality policy and the State's confidentiality law and inform the person that library patron records are not available unless the requesting party has presented a valid court order, subpoena or search warrant has been presented.

If the court order is in the form of a court-issued order or subpoena, before any records are produced, the library's legal counsel will examine the order or subpoena for any legal defect, including the manner in which it was served on the library, the breadth of its request, its form, or any insufficient showing of good cause made to the court. If the order is in the form of a duly-issued search warrant, the agent or officer may legally begin the search of library records as soon as the Library Director, or designee, is served with the order. However, the Library Director, or designee, must ask to have the library's legal counsel present before the search begins in order to allow the library's legal counsel an opportunity to examine the sufficiency of the search warrant and to assure that the search conforms to the terms of the search warrant.

If the order is a search warrant issued under the Foreign Intelligence Security Act, the library may not disclose to any party, including the patron whose records are subject to the search, any information regarding the existence of the search warrant, or of the records that the library produced pursuant to the warrant. The Library Director or designee must seek legal advice concerning the warrant from the library's legal counsel and must request that the library's legal counsel be present during the actual search and execution of the warrant.