

Policy #15
Confidentiality of Library Records

The Booth and Dimock Memorial Library recognizes that its circulation records and other records identifying the names of patrons and other library users are confidential pursuant to Connecticut State Statute Sec. 11-25.

Connecticut State Statute Chapter 190 Sec. 11-25

Sec. 11-25. Reports by libraries. Confidentiality of records. (a) The libraries established under the provisions of this chapter, and any free public library receiving a state appropriation, shall annually make a report to the State Library Board.

(b) (1) Notwithstanding section 1-210, records maintained by libraries that can be used to identify any library user, or link any user to a library transaction, regardless of format, shall be kept confidential, except that the records may be disclosed to officers, employees and agents of the library, as necessary for operation of the library.

(2) Information contained in such records shall not be released to any third party, except (A) pursuant to a court order, or (B) with the written permission of the library user whose personal information is contained in the records.

(3) For purposes of this subsection, “library” includes any library regularly open to the public, whether public or private, maintained by any industrial, commercial or other group or association, or by any governmental agency, but does not include libraries maintained by schools and institutions of higher education.

(4) No provision of this subsection shall be construed to prevent a library from publishing or making available to the public statistical reports regarding library registration and use of library materials, if such reports do not contain personally identifying information.

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Reviewed 1994
Adopted 1981



Confidentiality of Library Records Procedures

Library records shall not be made available to any private individual or organization or to any agency of state, federal, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power except pursuant to a court order.

The Library shall resist the issuance of enforcement of any such process order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction. Upon receipt of such process, order, or subpoena, the Library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Confidentiality and Coping with Law Enforcement Inquiries Procedures

The Booth & Dimock Memorial Library, in accordance with State Statutes regarding confidentiality of library records, in accordance with the principles of intellectual freedom and in accordance with our policy on the confidentiality of patron records (page 121 in the Policy Manual), will follow these procedures when approached by any agent of the state, federal, or local law relating to civil, criminal, or administrative discovery procedures.

The Library Director, and if available, the town's legal counsel will be responsible for handling law enforcement requests.

Staff should immediately ask for identification if they are approached by an agent or officer and then immediately refer the agent or officer to the Library Director. The Director will ask to photocopy the identification. In the event that the Library Director is unavailable, a member of the Board of Trustees should be called. The Director or Trustee should meet with town counsel or another colleague in attendance.

If the agent or officer does not have a court order compelling the production of records, the Director or Trustee should explain the Library's confidentiality policy and the state's confidentiality law. The Director or Trustee should inform the agent that users' records are not available except when a proper court order in good form has been presented to the Library.

If the agent or officer presents a court order, the Library Director or Trustee should immediately:

- Ask that the order be confirmed by an officer of the town police department. 860-742-7331
- Ask that the order be confirmed by the town's legal counsel,
- Contact the Freedom to Read Foundation's legal counsel – Jenner & Block 1-800-545-2433, ext.4223 and inform the staff that you need legal advice. Do not inform staff of the existence of any warrant. Ask Jenner & Block how to confirm the order.

If a defect exists, through legal counsel, insist that any defect be cured before records are released.

If the court order is confirmed and has no defects, the following procedures take effect:

If the court order is in the form of a subpoena:

- Review the information that may be produced in response to the subpoena before releasing the information. Follow the subpoena strictly, and do not provide any information that is not specifically requested in it.
- If disclosure is required, ask the court to enter a protective order (drafted by counsel) keeping the information confidential and limiting its use to the particular case. Ask that access be restricted to those persons working directly on the case.

If the court order is in the form of a search warrant:

- A search warrant is executable immediately, unlike a subpoena. The agent or officer may begin a search of Library records as soon as the Library Director or Trustee is served with the court order.
- Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned.

If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) USA Patriot Act amendment:

- The recommendations for a regular search warrant still apply. However, a search warrant issued by a FISA court also contains a “gag order.” That means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant.
- The gag order does not change the Library’s right to legal representation during the search. The Library can still seek legal advice concerning the warrant by contacting the town’s attorney or Jenner & Block, the Freedom to Read Foundation’s legal counsel.

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