

Scranton Public Library
Confidentiality of Library Records Policy
Adopted by Scranton Public Library Board of Trustees 6/16/22

Overview

The Scranton Public Library protects the privacy of library records and the confidentiality of patron use of the library as required by relevant laws and reflected in the library's Values Statements. This policy seeks to establish protocols that will give staff and Board of Trustees direction in the enforcement of these laws and values.

Legal Requirements: Commonwealth of Pennsylvania

24 Pa.C.S.A. Education § 9375

Records of the following institutions which relate 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.*

At SPL the term "circulation records" refers to the following:

1. Records from Integrated Library System that link a patron to a specific resource.
2. Records of computer usage including browser histories.
3. Printouts associated with a specific patron.
4. Anecdotal reporting by staff on an individual's library usage.
5. Security camera footage.
6. Verification of an individual's presence (or lack thereof) in a library facility, vehicle, or virtual service.

Staff Procedures

1. Requests received by staff should be referred to a member of the Leadership Team or the CEO.
2. The member of Leadership Team or CEO will ask the requestor if they have a subpoena or search warrant. If No the requirement will be explained to the requestor. If a subpoena go Step 3. If search warrant, go to Search Warrant section below.
3. If a subpoena the CEO will confer with legal counsel.
4. If the subpoena is acceptable to legal counsel, the CEO or their designee will supervise the transfer of information ensuring that no other user records are disclosed.

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. A member of Leadership Team or CEO will request that the law enforcement officers wait until 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 your request to delay the search.)
3. the CEO 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.

Exceptions

In the following instances, the procedures outlined above can be bypassed:

1. Clear and present danger to library staff or patrons.
2. Internal library investigation assuming legal counsel determines utilizing documentation, data, or records in specified manner does not violate existing laws.
3. If a caller inquires as to the presence or lack thereof of a specific patron, staff will ask for a description of the patron and take the caller's number. If a patron matching the caller's description is present, staff will record name and phone number of the caller and invite patron to use library phone to call if they wish.