

Policy Name: Library Data Confidentiality

Adoption Date: April 21, 2021

Supersedes: *Confidentiality of records policy (#10.23) and Confidentiality of Library Databases (#10.35)*

BACKGROUND

It is the responsibility of Tacoma Public Library (TPL) to respect the privacy of its patrons. TPL recognizes and adheres to all federal, state, and local public disclosure laws. Information requested or subpoenaed through proper channels will be furnished if approved by the Director, or the Director's designee.

POLICY INTENT

The purpose of this policy is to protect the integrity, accuracy, and confidentiality of Library databases and patron records. Protecting patron privacy and confidentiality has long been an integral part of the mission of libraries. TPL strives to protect each library patron's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted. The following policy addresses how TPL protects patron privacy and maintains the confidentiality of patron records.

POLICY

All TPL patrons are entitled to privacy regarding their use of library materials and services as follows:

LIBRARY RECORDS

Consistent with RCW 42.56.310, all TPL library records the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library patron are confidential in nature.

Library records that could be used to identify a library user include, but are not limited to, all circulation records, computer reservation records, patron information, or video footage. Such records will not be made available to any individual, organization or federal, state or local government agency, with limited exceptions.

TPL is legally obligated to honor requests for library records made by an agency of federal, state or local government including, but not limited to law enforcement agencies, when a subpoena, warrant, court order or other investigatory document is properly issued by a court of competent jurisdiction that shows good cause. When a request for library records is received library staff will follow the Procedures for Handling Requests for Library Records.

While library records are confidential in nature:

- a. Any patron is entitled to their own library account information.

- b. A parent or guardian may have access to a library account (see definition) for minor children up to age 18 unless the minor is emancipated. This information will not be released without verification of card ownership/parental relationship.
- c. Staff may use library accounts and the computer reservation system to provide patron information to the police for the purpose of implementing a TPL-initiated trespass or to pursue legal action.
- d. Staff may use library accounts to notify a patron regarding recovery of stolen library materials or lost and found items.
- e. With approval of the Library Director or designee:
 - o TPL may use names and addresses (both residential and electronic) from library records for the purpose of conducting user surveys or to notify patrons of upcoming events.
 - o The TPL Foundation may use names and addresses (both residential and electronic) of library patrons for the purpose of notifying patrons of upcoming events or to invite patrons to monetarily support TPL Foundation activities.
 - o Patrons will be given an option to inform TPL or the TPL Foundation of the desire not to receive such notifications.

USE OF FACILITIES

There is no reasonable expectation of privacy regarding a person's presence in a public building. For that reason, library staff may respond to questions from law enforcement officers about a person's presence in the library. Please note that there is a distinction between privacy of a patron's use of library materials and services and their physical presence in a public building. For example:

- If a law enforcement officer asks staff for information from a patron's library account or asks if a patron has used the computers, staff should follow the Procedures for Handling Requests for Library Records.
- If a law enforcement officer, who has provided identification, shows staff a picture of a patrons and asks if the patron has been in the library during a designated time period, library staff should answer the officer's inquiry to the best of their ability as the patron has no expectation of privacy in this instance.
- If a person asks (via telephone or in person) about another patron's presence in the library, regardless of age (e.g. a parent looking for a child), staff may not provide verification.

In addition, staff may not post (in public or staff areas), proactively monitor the library for an individual and/or report to law enforcement when that person comes into the library, including but not limited to registered sex offenders, runaways, truant minors and fugitives.

TPL will only take action when notified by law enforcement that a particular patron is a registered sex offender who is subject to court-ordered restrictions. Local management will determine if actions are needed to limit the patron's use of facilities or services by obtaining a certified copy of the order to verify if any restrictions are relevant to library use.

PATRON HOLDS

To allow patrons the convenience to pick up and checkout their own holds, TPL uses safeguards to protect patron privacy when placing holds that are ready to pick up on public shelves (i.e. shelf titles spine down, code for patrons' names).

REMOTE ACCESS

TPL takes many measures to safeguard patron information, but TPL cannot and does not guarantee that every task completed via its website, catalogs, databases or public computers is private.

DEFINITIONS *(if applicable)*

- **Library Records:** All circulation records, computer booking records and other records whose primary purpose of which is to maintain control of library materials, or to gain access to information that discloses or could be used to disclose the identity of a library user.
RCW45.56.310
- **Library Account:** Information about items on loan, items on hold, overdue items and fines, but does not include computer booking records.
- **Subpoena:** A formal written order issued by a government agency, most often a court, which has authority to compel testimony by a witness or production of evidence under a penalty for failure to comply.
- **Warrant:** A formal written order issued by a government agency, most often a court, which permits an otherwise illegal act that would violate individual rights. Warrants normally issued by a court include search warrants, arrest warrants and execution warrants.

STRATEGIC PLAN ALIGNMENT

This policy supports the following library strategic priorities:

The updated confidentiality policy ensures that we are being responsible guardians of private information that TPL patrons entrust the library to collect and store. The revision solidifies TPL’s commitment to ensuring the privacy of patron data and records, and also sets standards for how TPL staff are to interact with and use private patron information.

The updated version of this policy also aligns with the Library’s strategic goal of equity and access by ensuring that proper policy and procedure exist to protect patron information and ensuring that the use of that information is strictly for business purposes of the library, unless otherwise noted in this policy.

X	<p>Equity and Access We are committed to racial equity and social justice. It guides our work in serving Tacoma’s diverse communities, especially the most vulnerable and underserved.</p>		<p>Cultivate and Engage Community We will be the center for connecting people, ideas, and places.</p>
	<p>Learning, Creativity, and Innovation We will be the place for learning, discovery, and innovation.</p>	X	<p>Responsible and Resilient We will be an integral partner in a sustainable network that supports a thriving Tacoma.</p>
	<p>Investment in Youth We believe that youth are the future and will prioritize services, programs, and partnerships that nurture and develop young minds.</p>		

REFERENCES

[WAC 174-168-070](#)

[RCW 42.56.310](#)

[City of Tacoma Public Record's Request Form](#)

POLICY HISTORY

Action	Date	Notes
Review	05/2014 (policy #10.23) & 10/1986 (policy #10.35)	
Review and combining of policies #10.23 & 10.35	4/1/2021	Reviewed by Library Director & Policy Analyst
RES 21027	4/21/2021	Adopted by TPL Board