

Confidentiality of Library Records Policy

Because privacy rights of individuals have recently been threatened by private and public institutions, the New York Library Association has taken the initiative to protect first amendment rights through adoption of an Association Policy on the Confidentiality of Library Records. Governor Cuomo of New York signed into law Chapter 112 of the Laws of 1988, which protects confidentiality of library records of users throughout New York State. The reach of the bill includes, but is not limited to "records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films, or records." The bill supersedes an earlier bill which protected circulation records only.

Technological developments have affected user confidentiality in two ways. First, they have made it easier to store and retrieve records. Second, they have provided new services, such as computerized data bases.

Libraries may devise internal record keeping devices to keep track of their property, or to enhance services to library users, but library records which identify names and other personal information are confidential.

Cattaraugus Free Library's Policy

The Cattaraugus Free Library specifically recognizes that circulation records and other records identifying the names of library users are confidential in nature.

The Cattaraugus Free Library advises all staff members that such records shall not be made available to any individual or any agency of state, federal, or local government - except pursuant to such process, order or subpoena as may be authorized under the authority of, and in accordance with, federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigative power.

Cattaraugus Free Library will resist the issuance or enforcement of any such process, order or subpoena until a proper showing of good cause has been made in a court of competent jurisdiction.

The Cattaraugus Free Library authorizes the Director, to examine record keeping procedures, to assure that records identifying library users are limited to those essential for library operation

Implementation of Policy

A library staff member receiving a request to examine or obtain information, relating to circulation or other records identifying the names of library users, will state that the library does not give such information as a matter of policy. If the requester continues to insist, the library staff member will refer them to the Director, who will explain the library's confidentiality policy.

The Director of the Cattaraugus Free Library Library, upon receipt of process, order or subpoena, will consult with the proper legal officer assigned to Systems, to determine if such process, order or subpoena is in good 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, the director will insist that such defects be corrected before any records are released. The legal process shall usually be in the form of "subpoena duces tecum" (bring your records), requiring the responsible officer to attend court and/or a deposition, and may require them to bring along certain circulation or other specified records).

Threats or unauthorized demands (i.e., those not supported by a process, order or subpoena), concerning circulation and other records identifying the names of users, shall be reported to the Director - who will, if necessary, report such threats or unauthorized demands to the appropriate legal officer of the institution.

Any problems relating to the privacy of circulation, and other records identifying the names of library users, not provided for above, shall be referred to the library director.

Adopted 5/27/2026