

COMMONWEALTH OF MASSACHUSETTS
TOWN OF EAST LONGMEADOW
BOARD OF LIBRARY TRUSTEES

USA PATRIOT ACT OF 2001 POLICY

Policy and Procedures in Response to the USA Patriot Act of 2001

Introduction:

Increased visits to libraries by law enforcement agents, including FBI agents and officers of state, county and municipal police departments, are raising considerable concern among the public and the library community. These visits are in part a result of the increased surveillance and investigation prompted by the events of September 11, 2001 and the subsequent passage of the USA Patriot Act

These policies and procedures, developed to assist East Longmeadow Public Library employees in dealing with law enforcement inquiries, rely upon the American Library Association's Policy on the Confidentiality of Library Records, its Policy Concerning Confidentiality of Personally Identifiable Information, and the Code of Ethics. In addition, the East Longmeadow Public Library is constrained by the requirements of Chapter 66, Section 10 of the Massachusetts General Laws dealing with access to public records and to the extent that records maintained by the East Longmeadow Public Library are public records under said law.

Fundamental Principles:

Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article III of the Code of Ethics, which states that librarians "protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted." The disclosure of information as required pursuant to the provisions of Massachusetts General Laws, Chapter 66, section 10, is maintained by the East Longmeadow Public Library.

The Commonwealth of Massachusetts, along with forty-seven other states and the District of Columbia, has laws protecting the confidentiality of library records. Confidential library records should not be released or made available in any format to a federal agent, law enforcement officer, or other person unless a court order in proper form has been entered by a court of competent jurisdiction.

The East Longmeadow Public Library supports the President of the United States and congressional leaders in our nation's efforts to preserve and protect the many hard-fought freedoms we enjoy as Americans.

Public libraries are facing a dilemma of having the responsibility of protecting the privacy of our patrons while responding to legitimate national security concerns. The East Longmeadow Public Library recognizes the confidentiality of information sought or received and materials consulted, borrowed, or acquired by a library user.

The East Longmeadow Public Library strives to create a library environment that is a safe, crime free place for learning and the pursuit of knowledge and information on any topic, a place where patrons can ask any question and discuss any topic. To the best of our ability the East Longmeadow Public Library will uphold the privacy and confidentiality of patrons' free access to information, as required by law. The East Longmeadow Public Library will rely on existing laws and library policy to control behavior that involves public safety or criminal behavior.

USA Patriot Act Defined:

HR-3162 became Public Law 107-56 in response to the events of September 11, 2001. The short title of the law is: *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*. The Act provided that “no person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.”

Complying With Law Enforcement:

The East Longmeadow Public Library will comply with all valid law enforcement requests for information in excess of that available pursuant to Massachusetts General Laws Chapter 66, Section 10 when served with a subpoena or warrant issued by a court of competent jurisdiction after review by its legal counsel.

Emergency Disclosures of Communication:

If, in the normal course of business, the Library staff observes what can be reasonably construed to be a threat of imminent danger to life and limb, they are to immediately contact the Library Director or department supervisor, who will then immediately contact law enforcement, and complete an Incident Report Form.

The “USA Patriot Act of 2001 Policy” is subject to review and amendment by the Board of Library Trustees.

Approved by the Board of Library Trustees, August 17, 2004.

Amended by the Board of Library Trustees, July 18, 2007.

Reviewed and approved by the Board of Library Trustees, August 13, 2014.