

# CONFIDENTIALITY OF LIBRARY RECORDS

---

In accordance with the American Library Association's Code of Ethics and New Jersey Statutes Annotated 18A:73-43.1.2, the Mountainside Public Library protects the privacy and personal information of those who use the library and its services. This policy applies to circulation and library use records, Internet use, video footage, and any other personally identifiable information.

## Confidentiality of Library Users' Records

*Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:*

- a. *The records are necessary for the proper orientation of the library;*
  - b. *Disclosure is requested by the user; or*
  - c. *Disclosure is required pursuant to a subpoena issued by a court or court order.*
- L.1985, c. 172, 2, eff. May 31, 1985*

## Law Enforcement Requests

Library records containing personally identifiable information are confidential and shall not be disclosed except as required by law. The Director, or any person duly appointed in writing by the Director, shall be responsible for handling all law enforcement or similar requests to obtain confidential information held by the library. The Library Director will withhold any information until served with a legal process, order, subpoena, or warrant which specifically identifies the information required and the purpose for such a request.

Upon receipt of any such order the Library Director shall seek legal counsel and notify the President of the Board of Trustees of the Mountainside Public Library. No records shall be released until determination by legal counsel that such process, order, subpoena, or warrant is proper and in full compliance with proper legal authority, whether local, State, or Federal in nature. Based on any advice of legal counsel, the Director, or their duly appointed designee, shall determine whether to release the requested confidential information, move to quash the subpoena or take other measures.

Staff members understand and seek to protect privacy rights at all times. Staff members approached by a law enforcement officer or anyone who requests information about another person's library use shall refer all inquiries to the Director or the duly appointed designee. Any situation relating to the privacy of a library user's personal data as recorded by the Mountainside Public Library that is not provided for in this policy statement shall be referred to the Library Director who shall seek consultation with the Board of Trustees and/or the legal counsel as needed.

## Confidential Information Retention

The Mountainside Public Library does not sell cardholder information to third parties and does not disseminate cardholder information except as required by law. The library collects only enough information necessary to transact library business and provide services consistent with our mission. Technology solutions are employed to help keep personal information reasonably secure from unauthorized access. The Library Director shall have sole discretion with respect to determining the appropriate retention of records.

## Library Use of Email

The library patrons have the option of providing email contact information in order to receive information about their account including reminders that material checked out is about to become due or is overdue. Patrons may be asked if they would like to receive information about library programs and services via

# **CONFIDENTIALITY OF LIBRARY RECORDS**

---

email. Patrons will not automatically receive general library information and newsletters via email. They must opt into this service.

The library is not responsible for the privacy and security practices of non-library websites and email providers accessed from a library workstation or laptop. Computer users should review each site's policies and security practices and take other reasonable precautions.

## **Security Cameras**

The use of security camera(s) is intended to enhance the safety and security of library users, staff, and property. The camera(s) are meant to deter public endangerment, vandalism, and mischief in the library and to identify those individuals involved in such activity for law enforcement purposes, while adhering to the applicable federal, state and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy.

The library's security camera system will be used only for the protection and safety of library visitors, employees, assets, and property, and to identify persons breaking the law or violating the library's Code of Conduct.

## **Public Notice**

There will be permanent signage at the library entrance informing the public that security cameras are in use.

## **Security Camera Locations**

Camera(s) will remain positioned to record activity in high-traffic public areas where individuals lack a reasonable expectation of privacy. Camera(s) will not be installed in areas in which privacy is expected such as in restrooms. Camera(s) will not be positioned to identify a person's reading, viewing, or listening activities in the Library or to record conversations. Camera locations shall not be changed or added without permission of the Director.

## **Personal Security**

The Library has no obligation to monitor the cameras in real time. Library staff, patrons, and anyone visiting the library should continue to take appropriate precautions for their safety and for the safety of their personal property. The Library is not responsible for the loss of property or personal injury.

## **Data Storage**

Only the Library Director and designated staff shall have access to video footage in real time or in recorded format. The Director or designee may observe or review such footage in the interests of verifying operational efficiency such as access issues, facilities usage, and crowding, and in the pursuit of incidents such as criminal activity, possible litigation, or violation of library policies. Video footage and/or images may be shared with authorized library staff when appropriate to identify those suspended from Library property and to maintain a safe, secure, orderly and policy-compliant environment.

Recorded data is stored off the premises in a cloud-based data bank managed by a third-party security company. Recordings will typically be stored for no more than 30 days.

## **Public Disclosure of Footage**

Requests to view recorded footage will not be granted by the Director except to law enforcement upon presentation of a subpoena or court order or when otherwise required by law. In the event of a search warrant which is executable immediately or if law enforcement is pursuing an investigation affecting the

# CONFIDENTIALITY OF LIBRARY RECORDS

---

Library in cooperation with the Library administration, the Director/designee will consult with legal counsel to determine the legal and appropriate course of action.

Individuals authorized under this policy may use a still photograph or selected portions of recorded data to request law enforcement review for assessing the security risk of a specific individual or for investigating a crime on Library property.

Confidentiality/privacy issues prohibit the general public from viewing or receiving camera footage that contains patron information. If the Library Director receives a request from the general public to inspect camera footage which contains patron information, the general public will be advised to file a police report.

## Legal Reference

*N.J.S.A. 47:1A-1.1 et seq.*, New Jersey Open Public Records Act / Exceptions

*N.J.S.A. 40:54-1 et seq.* Public Libraries, General Powers

*Katz v. United States*, 389 U.S. 347 (1967)

*New Jersey Constitution* (1947), Art. 1 par. 1, 7