

Library User Privacy Policy

Iowa State University Library

12 May 2005

1. Confidentiality of Library Records

- 1.1. The Iowa State University Library is committed to protecting the privacy of its users, with regard to information sought or received; resources consulted, borrowed, acquired or transmitted; and other Library services provided. This commitment is based on both state law and professional standards. The relevant Iowa statute reads:

“The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information: [...] 13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.” (*Code of Iowa*, Section 22.7)

- 1.2. The Library also complies with other federal privacy laws, including the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records.
- 1.3. Library policy also conforms to the *Code of Ethics* of the American Library Association (ALA) and other ALA standards and guidelines related to user privacy and confidentiality. See: <<http://www.ala.org/ala/oif/statementspols/codeofethics/codeethics.htm>>

2. Collection, retention, and release of personally identifiable information

- 2.1. Personally identifiable information collected by any Library unit is strictly confidential. This includes, but is not limited to, names, identification numbers, mail and email addresses, birthdates, passwords, or any combination of data that could be used to identify an individual. Such information is compiled in library records solely for the following reasons:
- 2.1.1. To support authorization and authentication processes tied to user privileges (e.g., access to licensed databases).
- 2.1.2. To maintain information on the location and availability of items borrowed from the Library's collections.
- 2.1.3. To enable the Library to maintain appropriate audit records, and to conduct routine business and correspondence with users (e.g., notification and billing of overdue fines and lost book charges; notification of availability of requested resources; problem resolution, etc.).

- 2.1.4. To compile and analyze usage statistics for collections and services by user category, for planning and assessment purposes.
- 2.2. Personally identifiable information is retained in Library records no longer than is necessary to serve the above purposes, and then is intentionally deleted.
- 2.3. Personally identifiable information is not shared with third parties, except in the following instances:
 - 2.3.1. The Office of University Counsel, for internal investigation of academic misconduct.
 - 2.3.2. Pursuant to search warrant, subpoena, court order, or where otherwise required by law (see Part 3, below).

3. Responding to requests for Library Records (from outside the Library)

- 3.1. Responding to ORAL REQUESTS without official paperwork:
 - 3.1.1. Library Staff shall not provide personally identifiable library information in response to an oral request for access to library records.
 - 3.1.2. Library staff asked to provide access to library records or asked for any information about user activities must provide the requestor with a copy of this policy (i.e., the ISU Library's User Privacy Policy) and refuse to comply with the request until official paperwork is obtained, presented, and reviewed by University Counsel as outlined in sections 3.2 and 3.3, below.
 - 3.1.3. Library staff should also obtain identification from the requestor and should report immediately any such request to the Library Dean's Office.
- 3.2. Responding to requests with SUBPOENA, COURT ORDER, NATIONAL SECURITY LETTER, or other official document that is not a warrant:
 - 3.2.1. When presented with a court order, subpoena, or national security letter, you must involve the library administration and the Office of University Counsel as quickly as possible. (The document should say "SUBPOENA," "SUBPOENA DUCES TECUM," "COURT ORDER" or "NATIONAL SECURITY LETTER" at the top.) These types of legal documents do not require immediate disclosure and the requestor should provide an appropriate timeframe for a response. Tell the requestor: "I am not the person who can provide you with this information. Please contact the Library Dean's Office, Room 302 Parks Library. The telephone number is 294-1442. The secretary will refer you to the appropriate library administrator." [Library administrators follow their own procedures.]
 - 3.2.2. Notify immediately the Library Dean's Office. If administrative staff is not available at this time, you should then notify the Office of University Counsel at 294-5352. If University Counsel is not available, contact the ISU Police Division at 294-4428.
 - 3.2.3. If a library administrator is not available to do so, obtain a copy of the subpoena, court order, or national security letter.

- 3.2.4. Ask for and make note of and/or copy the identification cards of the agents (especially the lead agent) and the agency requesting the information.
 - 3.2.5. In some cases, the law may forbid disclosure of the fact that the library received this request. Do not disclose any information about the request to any person, other than your supervisor or any others necessary to complying with the request (i.e., library administration, University Counsel, and ISU Police).
- 3.3. Responding to requests with a **WARRANT**:
- 3.3.1. Ask to see a copy of the warrant. (It will say “WARRANT” or “SEARCH WARRANT” at the top of the document.)
 - 3.3.2. Ask for and make note of and/or copy the identification cards of the agents (especially the lead agent) and the agency requesting the information.
 - 3.3.3. A warrant may require an immediate response by Library staff. Politely ask for the agents’ patience and say to the agents: “I must contact the library administration and University Counsel immediately, and I request that the search be delayed until representatives from library administration and University Counsel are present. I have also been asked to remind you that the library is an innocent third party, and that Constitutional considerations and good faith suggest that a brief delay is appropriate.”
 - 3.3.4. **If the agents are willing to wait**, contact the Library Dean’s Office (294-1442) and University Counsel (294-5352) immediately. If the agents are agreeable, they should be escorted to the Library Dean’s Office or the library administrator in charge. Someone from the Library Dean’s Office or Legal Counsel will then talk to the agent and arrange for the response by the Library. If the request occurs after normal working hours or on weekends, attempt to reach the Dean, a senior library administrator, or member of University Legal Counsel at home. If you are unable to reach any of these individuals at home, contact the ISU Police Division at 294-4428 and ask for assistance.
 - 3.3.5. **If the agents are NOT willing to wait**, carefully inspect the warrant, ensuring that the warrant is signed by a magistrate or judge, and noting exactly what records or items are authorized to be seized. Then stand aside and permit the search to proceed.
 - 3.3.6. Contact the Library Dean’s Office (294-1442) and University Counsel (294-5352) immediately. The agents may inform you that the terms of the warrant are “secret” or “sealed,” and that you may not disclose any information relating to the warrant or its execution. This may be correct, but **it does not preclude notification of the library administration and University Counsel**. After contacting the Library Dean’s Office and University Counsel, continue monitoring the warrant execution as follows.
 - 3.3.7. Volunteer to assist the agents by locating information, enlisting the help of staff who are knowledgeable or needed (e.g., IT staff), and offering to provide copies of electronic information in lieu of seizure of hardware.
 - 3.3.8. Whether or not the agents accept your offer of assistance, you should monitor the search and seizure process. Note areas and rooms entered, files and computers inspected, and/or specific actions taken. Attempt to make copies of all records seized. Note and advise the agents if information is being seized that appears to be in excess of that authorized by the warrant.

- 3.3.9. At the conclusion of the search, the agents should provide the Library with an inventory of the records seized; if the agents do not, politely request an inventory or a copy of the inventory the agents made during the search. Do not sign any statement that the inventory is accurate or complete.
- 3.3.10. Whether or not the warrant is secret or sealed, ask all involved staff not to discuss the matter with the media, family, co-workers, or other individuals, since decisions in this regard must be made by library administration and University Counsel.

3.4. Confidentiality of all requests for library records

All requests from law enforcement or federal agents for information concerning library records are considered confidential. Staff should not discuss these requests with anyone other than their supervisors, library administration, University Counsel, or the ISU Police.

3.5. *Exception:* Voluntary disclosure for emergency situations

An exception to this policy is provided for by the USA PATRIOT Act and allows voluntary disclosure for emergency situations, which are likely to be rare in the Library. Should a staff member, in the course of business, reasonably believe he or she has accessed information about an emergency involving immediate danger of death or serious physical injury to anyone, he or she should contact the ISU Police immediately (9-1-1); then contact the Library Dean or any member of the Library's senior administration.

For information regarding this policy, contact:

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