

## **Policy Statement: Privacy, Subpoenas, and Search Warrants**

The Jones Library strives to protect the privacy of library patrons to the fullest extent of the law. No confidential information on library patrons will be revealed to the authorities without presentation of a subpoena or search warrant.

Library departments will retain only as much information as required to provide services. Personal information on patrons will be discarded as soon as it is no longer needed. The library keeps no permanent record of Internet sites visited, electronic databases used, or searches performed by patrons.

### **Procedures for staff:**

Staff will follow these procedures if someone asks for confidential patron information (such as names, addresses, and library material consulted) or presents a subpoena or search warrant.

1. Members of the staff who are approached by anyone alleging to be a law enforcement officer should immediately contact the Director's office to alert her. Do not disclose any information. Refer the person to the Director (or to the person in charge).
2. If the person is not a law enforcement officer, or the officer does not have a subpoena or search warrant, the library will not furnish any confidential patron information. Massachusetts General Law, Chapter 78, section 7 protects the privacy of library patrons.
3. The Director (or person in charge): Ask for the officer's identification and the subpoena or search warrant and immediately contact Town Counsel for review of the documents' legal sufficiency. Explain this procedure to the officer. Photocopy the ID and contact the Amherst Police Department to verify the identity of the law enforcement officer. Request Town Counsel to assist on site during the search. File an Incident Report Form to record the visit and any costs incurred.

Local and state officials cannot administer search warrants generated under the federal USA Patriot Act.

4. If presented with a search warrant, staff will not interfere with the search and seizure. If this happens at night or on a weekend, contact the Director at home. The Director will obtain information on how to reach Town Counsel outside of standard office time.
5. For circulation information, refer law enforcement to the Executive Director of the C/W MARS Network. Contact the C/W MARS office in Paxton to alert them.
6. If the Library is presented with a subpoena, the Director or her designee will ask for time to consult with Town Counsel and to respond to the request.
7. Some search warrants or subpoenas issued under the USA Patriot Act, come with a "gag order" automatically attached, preventing staff from telling the patron or the public that information has been provided to the FBI. The Act includes language to immunize librarians against civil suits in such case.

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