

**Keene Public Library
Policy and Procedures in Response to the
USA Patriot Act of 2001**

The Board of Trustees recognizes the confidentiality of information sought or received and materials consulted borrowed or acquired by a Library user, as defined in Section 12.00 of the Keene Public Library Policy manual and New Hampshire State Law RSA 201-D:11: Library User Records; Confidentiality. Nevertheless, all public libraries must deal with the dilemma of having the responsibility of protecting the privacy of patrons while responding to national security concerns.

The Keene Public Library strives to create a library environment that is:

- Crime free
- A safe place
- A place for learning and pursuit of knowledge and information on any topic
- A place where patrons can ask any question and discuss any topic

The Library will do its utmost to uphold the privacy and confidentiality of patrons' free access to information. The Library will rely on existing laws and Library policies to control behavior that involves public safety or criminal behavior.

About the USA Patriot Act of 2001

HR-3162 became Public Law 107-56 in response to the events of 9/11/01. The full title of the law is: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001.

The Act may provide law enforcement broader discretion when investigating information accessed and transmitted by patrons with regards to national security concerns.

Access to patron information under the Act may include, but not be limited to, the following records:

- Database Search Records
- Circulation Records
- Computer Use Records
- Inter-Library Loan Records
- Reference Interviews

Database Search Records: These records refer to the searches of the collection a patron may conduct on the Online Public Access Terminals (OPAC). These searches are conducted by utilizing Keene-Link, a joint automated catalog of the holdings of the Keene Public Library and the Keene State College Mason Library. Keene-Link is a product of Innovative Interfaces Inc. The system software does retain copies of searches, but those searches cannot be connected to a specific individual.

Circulation Records: Patron material is circulated via the Keene-Link system. The circulation software tracks materials currently checked out, automatically erasing them from a reader's borrowing record once a book is returned and all fines are paid.

However, on an item by item basis, there is a record of the last patron who checked out that item until that item is circulated to another patron. Also, the system has tape back-up of daily transactions. These tapes are retained for four to five weeks.

Computer Use Records: The Library system is equipped with computers which access the Internet. Patrons sign up at the reference or youth desk for a slot of time. As each patron may sign up in advance for one slot a week, the Library keeps the sheets for that one week. At the end of the week, the sign up sheets are discarded. The computer keeps a history of searches until it is rebooted

Inter-Library Loan Records: Patrons may borrow items not owned by the Keene Public Library from other libraries worldwide via Inter-Library Loan (ILL). The Keene Public Library tracks items currently being borrowed and generates a paper record with patron information. Once the materials are returned and all appropriate fines and/or fees are paid, the paper record is discarded.

Reference Interviews: A reference interview occurs when a patron looking for information approaches a Library staff and staff questions or interviews the patron in order to narrow down the specific information needed. No paper record is kept during the interview that has any patron information on it. If a patron name and number is taken by phone, and patron information is written down, as soon as the requested information is delivered, the paper record is discarded. Reference questions are received and answered electronically through the city's electronic e-mail. While the transaction is deleted from the computers at the Library, it may remain on the city's system for a period of time.

Procedures for Responding to Law Enforcement Requests

The Keene Public Library staff will cooperate with law enforcement and comply with the law when served with legal subpoena or warrant. The staff will strive for operational continuity in the event that workstations, servers, or backups are removed or made inoperable by such service.

Staff Procedures:

- If anyone approaches Library staff alleging to be law enforcement official requesting information, they should refer the law enforcement official to a supervisor, the Assistant Director, or Director. The supervisor, Assistant Director, or Director will ask to see official identification and photocopy the ID.
- If law enforcement present a subpoena, Library staff should direct that person to their supervisor, Assistant Director, or Director; who will, in turn, forward the subpoena to legal counsel.
- If Library staff is presented with a warrant, do not interfere with the law enforcement officer's search and seizure of the information sought in the warrant. If the supervisor, Assistant Director or Director is available, contact one of them immediately. If not, contact your supervisor, Assistant Director or Director as soon as possible.

- Keep a detailed record of the legal requests and give that record to the Director.
- The Director will keep a record of all legal requests and of all costs occurred by any search and/or seizures.
- If a “Gag Order” is in affect, report the contact only to the Director. A search warrant presented under the US Patriot Act typically contains language restricting the dissemination of information about the search warrant. This language is referred to as the “gag order.”
- If a “Gag Order” is not in effect, Director will notify the Trustees of the Library, the City Attorney and the American Library Association.

Emergency Disclosures of Information

If in the normal course of business, the Library staff observes behavior or receives a communication which may be reasonably construed to be a threat of imminent danger to life and limb of the general public or the staff, they should contact local law enforcement agencies immediately. They should then contact their supervisor, Assistant Director or Director and fill out an Incident Report.

Approved by Trustees
May 27, 2003