

Title: Policy on the Confidentiality of Library Records

- Initial Action:** 10/29/09
- Board Agenda:** 09-054, 20-060
- Last Revised:**
 - o **Policy:** 9/23/2020
 - o **Procedure:** 9/23/2020
- Last Reviewed:** 9/23/2020
- Effective:** 10/28/2020

- Next Review:** 9/23/2025
- Responsibility:** Director of Library Services

I. Policy Statement

In accordance with Maryland law (Annotated Code of Maryland, Education Article Section 23-108) and the American Library Association (Policy Manual B.8.5.2) Cecil College’s Cecil County Veterans Memorial Library circulation records and other records identifying the names of library users are confidential and are prohibited from inspection, use, or disclosure. Records shall not be made available except pursuant to lawful court order, search warrant, or subpoena. Requests for confidential library circulation records from a federal, state, or local enforcement agency shall follow the College's process for Public Information Action Requests (<https://www.cecil.edu/about-us/public-information-act-requests>).

II. Policy Description

The Council of the American Library Association recommends that the responsible officers of each library formally adopt a policy regarding confidentiality of library patron records. ALA Policy Manual Code of Ethics, states “Librarians must protect each user’s right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired”. These materials may include database search records, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, programs, or services.

In accordance with MD Code, Education, § 23-108:

Effective: July 1, 2017
MD Code, Education, § 23-108
Formerly cited as MD EDUC § 23-107

§ 23-108. Confidentiality of circulation records

Information subject to restrictions

- (a) Subject to the provisions of subsection (b) of this section, a free association, school, college or university library in this State shall prohibit inspection, use, or disclosure of any circulation record or other item, collection, or grouping of information about an individual that:

- (1) Is maintained by a library;
 - (2) Contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
 - (3) Identifies the use a patron makes of that library's materials, services, or facilities.
- (b) A free association, school, college, or university library in the State shall permit inspection, use, or disclosure of the circulation record of an individual only in connection with the library's ordinary business and only for the purposes for which the record was created.

In accordance with the American Library Association Policy Manual Section B.8.5.2 Confidentiality of Personally Identifiable Information about Library Users (Old Number 52.4.2)

The American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction

The Library formally recognizes:

- That all records identifying the names, social security numbers, or I.D. number of library patron are confidential in nature.
- That such records are not to be revealed to anyone other than the patron in question without the express written permission of the patron in question or the adherence to proper legal and College procedures regarding required access to such information.
- That library employees are encouraged not to keep records with personally identifiable information, unless that information is necessary, and to destroy such records as soon as possible.

- That the confidentiality of patrons records requires that such records should be consulted materials when, processing overdue notices and fines, adding or deleting names to the library database, making collection development decisions, or resolving billing matters.
- Library employees may not view patron records for such purposes as idle curiosity, personal interest, or general monitoring.
- Special requests for confidential information to be used for research purposes shall be addressed to the Library staff.

Examples of requests for Library information that is confidential and *must not be honored*.

This list is intended to provide examples of possible violations of confidentiality of library information and is by no means inclusive.

- A request for the circulation records of a faculty, student, or other library card holder by someone else.
- A request by a faculty member for the identity of students who borrowed reserve items.
- A request to review the circulation records of a student suspected of plagiarism.
- A request to see interlibrary loan borrowing records.
- A request for addresses, phone numbers, I.D. numbers or other personal information contained in the borrower database.
- A request to see a list of individuals who are not members of the college community but who have been granted library borrowing privileges.
- A request by a parent for information such as fines or other fees by the library without the student's permission.
- A request for the name of the person who has signed out a particular item.
- A request to review the identity of persons who have used a study room or carrel.
- A request to reveal the nature of a library user's reference request or database search.
- A request for the names of persons who have audio-visual materials.
- A request for a list of items photocopied for or faxed to a particular user.

- A request from law enforcement authorities for the identity of anyone conducting research on a particular subject.

(Permission granted from the University Library at the University of Illinois at Urbana-Champaign to reprint portions of their Policy on Confidentiality.)