

## **HOLLISTON PUBLIC LIBRARY USA PATRIOT ACT OF 2001 POLICY**

The Holliston Public Library supports our nation's efforts to preserve and protect the many freedoms we enjoy as Americans. Public libraries are facing the dilemma of having the responsibility of protecting the privacy of our patrons while responding to legitimate national security concerns. The library will do its utmost to uphold the privacy and confidentiality of patrons' free access to information. It will rely on existing laws and library policies to control behavior that involves public safety or criminal behavior.

Library records, transactions, electronic mail and other information that could link users with specific materials or subject matter are considered by the library to be confidential and will not be divulged to anyone other than the user under the Massachusetts General Laws (Section 78, Section 7) except under presentation of a subpoena or search warrant. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, also known as the Patriot Act, supercedes state law. It may provide law enforcement with broader boundaries when investigating information accessed and transmitted by patrons with regard to national security concerns. A search warrant or subpoena may or may not be included. Access may include, but not be limited to, records of database searches, circulation, computer use, interlibrary loan, telephone communication and reference interviews as well as email and chat. 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. Local and state officials cannot administer search warrants generated under the Patriot Act.

The Holliston Public Library 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. This includes records of circulation, computer use, requests for purchase, interlibrary loan, notes on telephone communication and reference interviews as well as email. The library keeps no permanent record of Internet sites visited, electronic databases used or searches performed.

The library staff will follow the following procedures if someone asks for confidential information or presents a subpoena or search warrant.

1. A staff member approached by a law enforcement officer should immediately contact the Director or Assistant Director, or, in their absence, the person in charge. Do not disclose any information.
2. The Director or any of the above named proxies will ask for the officer's identification and the search warrant and immediately contact the Holliston

Police Department to verify the identity of the officer. Photocopy the identification and contact Town Counsel. File a report to document the visit and any costs incurred.

3. If presented with a valid search warrant, the staff will not interfere with the search and seizure. If a “gag order” is not in effect, alert the Minuteman Library Network and the American Library Association.
4. If a “gag order” is in effect, the Director may be prevented from revealing that information has been provided to the FBI. The Patriot Act includes language to immunize librarians against civil suits in such cases.

(Approved by the Library Board of Trustees on May 26, 2004)