

## **Confidentiality of Library Records Policy**

The Board of Trustees of the James Kennedy Public Library recognizes the responsibility to protect the privacy of library users. Confidentiality is essential to protect the exercise of First Amendment rights.

This policy is meant to protect the privacy of library users while complying with the Constitution of the United States of America, federal statutes, and the Code of Iowa.

Library records are treated specifically in Code of Iowa 22.7 “Examination of Public Records (Open Records)”, paragraphs 13, 14 and 18. The citations are copied here and included in this policy:

### **22.7 Confidential records.**

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.
14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.
18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in this subsection, “persons outside of government” does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists.

In keeping with the protections afforded by Constitution of the United States of America, federal statutes, the Code of Iowa, the James Kennedy Public Library shall hold confidential

- a. Information sought or received and materials consulted, borrowed or acquired, database search records, reference interviews, interlibrary loan records, computer use records, and all other personally identifiable uses of library materials, facilities or services.
- b. The names of card holders and their registration information and not provide access for private, public or commercial use. Release of such information, not attached to a circulation record, could discourage people from applying for library cards.
- c. The library cannot guarantee the confidentiality of information sought or received, or materials consulted or borrowed, from third party digital services, including but not limited to, eBooks and eAudio, to which we provide access.

In keeping with the above statements, the following shall be the policy for James Kennedy Public Library records:

1. The lawful custodian of the records is the Director of the library and legal counsel is the City Attorney. Every effort shall be made to reach the Director if court orders are to be served, whether the Director is present in the building or not. In the Director's absence, the director shall appoint a temporary custodian of the records. This temporary custodian will typically be the most senior librarian available.
2. James Kennedy Public Library registration records and circulation records shall be kept confidential.
3. No individual except authorized Library staff shall have access to circulation or patron records other than his or her own, without the cardholder's consent.
  - A. The Library interprets possession of a card (or card number in a phone or email request) as consent to use it unless it has been reported lost or stolen, or there is reason to believe that consent has not been given.
  - B. The library will release information to the parent or guardian of a minor child for the purposes only of recovering overdue material and settling accounts for lost, late, or damaged material, and for other matters related to the recovery of material or charges incurred by minor children for which a parent may be considered liable.
  - C. Long overdue library accounts may be revealed to a collection agency, or law enforcement personnel.
4. If there is a reasonable basis to believe library registration records are necessary to the progress of an investigation or prosecution, the request for such records including the justification for the request, shall be made to the Director, in writing on official letterhead by an official of the investigation or prosecution workforce, who has provided necessary identification.
5. If there is a reasonable basis to believe library circulation records are necessary to the progress of an investigation or prosecution, the judicial system provides the mechanism for

seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction. Such court orders shall be presented to the library director.

6. Circulation records shall not be made available to any agency of local, state, or federal government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, local, state, or federal law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
7. The issuance or enforcement of any such process, order, or subpoena shall be examined by the library director in consultation with legal counsel and resisted until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

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