

## **The Merrimac Public Library Privacy Policy in Response to the USA Patriot Act of 2001**

The Merrimac Public Library supports the President of the United States and Congressional leaders in our nation's efforts to preserve and protect the many hard-fought freedoms we enjoy as Americans. Public libraries are responsible for protecting the privacy of all library users and at the same time must respond to legitimate national security concerns. While the Merrimac Public Library will continue to provide open access of all library materials to the public, the library is aware of changing laws, such as the Patriot Act, in response to national security concerns.

The Merrimac Public Library strives to be a community resource for people to freely explore ideas and ask questions and to do so in a safe environment. The library makes every attempt to protect the privacy and confidentiality of all patrons as they pursue and access information within the library or via remote use. The library will rely on existing laws and library policies to control behavior that involves public safety or criminal behavior.

### **USA Patriot Act of 2001**

HR-3162 became Public Law 107-56 in response to the events of September 11, 2001. 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 with broader boundaries when investigating information accessed and transmitted by patrons with regards to national security concerns. Access to patron information may include but not be limited to:

- Computer use records
- Circulation records
- Database search records
- Inter-library loan records
- Reference interviews

### **Computer use**

Patrons are free to use the internet at any of the public computers located at the library. Patrons are asked to sign-in at the circulation desk or the children's desk before using the computers. A name, computer number being used, and a sign-in/sign-out time are required. There is no time limit for the use of the computers, although if there is high demand at any given time, the library staff may ask patrons to sign-off after an extended period of use. The sign-in sheet will be kept for one week to determine statistics of computer use in the library. After a weeks time, the sign-in sheets will be destroyed and discarded.

### **Circulation Records**

The Merrimac Public Library is a member of the Merrimack Valley Library Consortium (MVLC). All materials checked out to patrons are done so through MVLC's Horizon Circulation program. The Horizon program will track only currently checked-out materials to a patron. Once a patron has returned an item, it will be completely erased from the patron's record.

### **Databases Searches**

When a patron searches MVLC's Horizon OPAC, the system will erase any history of the search once the patron has logged off. MVLC does not keep a record of the database searches patrons conduct.

### **Inter-Library Loans and Holds**

Patrons may request materials from other libraries within MVLC and through the Virtual Catalog. No paper records kept for ILL requests. All requests can be handled by the patron by signing into their accounts thru the online catalog, or library staff can send the request through the Horizon program.

### **Reference Interviews**

Patrons in need of reference assistance may speak with a librarian who will then in turn ask the patron specific questions to help find the information needed. No paper records are kept during an initial reference interview. Occasionally the reference interview may require the library staff to write down the patron's name and phone number in order to provide follow-up information. When all materials or information has been provided to the patron, any information based on the given reference interview will be destroyed and discarded.

### **The Merrimac Public Library Procedures for Complying with Law Enforcement:**

The Merrimac Public Library employees will comply with law enforcement when supplied with a legal subpoena or warrant. Subpoenas and warrants will be presented in writing.

### **Library Staff Procedures:**

Any inquiries by law enforcement must be immediately referred to the Library Director, no information should be released to the individual making the inquiry at this time. If the Director is not present at the time of the inquiry, every attempt must be made to make contact the Director. If the Director cannot be reached, a supervisor should be contacted.

The Director will ask to see official identification and will photocopy the identification. If a subpoena is presented to the Library Director, the Director will in turn direct it to the Town Counsel for review and to advise the library to proceed. The Director will inform the Law Enforcement officer of this.

If a warrant is presented, there will be no interference with the search and seizure, a warrant is executable immediately. The Director will contact Town Counsel.

A record of all legal requests will be kept by the Director. A record of all costs incurred by any search or seizure should also be kept on file.

If a FISA Warrant is presented, (a warrant issued under the Foreign Intelligence Surveillance Act), the Director may not disclose to any other person, other than Town Counsel (this includes co-workers not directly involved in the process, library trustees, or the town's governing authority) that the FBI has obtained records or things pursuant to the USA Patriot Act. Staff presented with the FISA warrant should follow the same procedure for a regular warrant.

Accepted on 4/11/07 by the Trustees of the Merrimac Public Library