

POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS*

The Council of 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 to be confidential in nature.
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 investigative 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.**

*Note: See also ALA POLICY MANUAL 54.15 - CODE OF ETHICS, point #3, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired."

**Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986,
by the ALA Council

See reverse side for suggested procedures for implementation.

SUGGESTED PROCEDURES FOR IMPLEMENTING
"POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS"

When drafting local policies, libraries should consult with their legal counsel to insure these policies are based upon and consistent with applicable federal, state, and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy.

Suggested procedures include the following:

1. The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users, will immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of subpoena "duces tecum" [bring your records] requiring the responsible officer to attend court or the taking of his/her disposition and may require him/her to bring along certain designated circulation or other specified records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the appropriate legal officer of the institution.
5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the responsible officer.

Adopted by the ALA Intellectual Freedom Committee,
January 9, 1983; revised January 11, 1988

[confpol.pro]

*Needs to be put in
Policy Manual -
No report from IFC.*

SUGGESTED PROCEDURES FOR IMPLEMENTING
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1. The library staff member receiving the request to examine or obtain information relating to circulation or registration records will immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation records shall ordinarily be in the form of subpoena "duces tecum" [bring your records] requiring the responsible officer to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation or registration records shall be reported to the appropriate legal officer of the institution.
5. Any problems relating to the privacy of circulation and registration records which are not provided for above shall be referred to the responsible officer.

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Adopted by the Intellectual Freedom Committee, June 28, 1986

Adopted January 20, 1971; revised July 4, 1975, by the ALA Council.
Revision approved by Council July, 1986

52.4
57.5

AMERICAN LIBRARY ASSOCIATION

Item: CIVIL RIGHTS Item Number: 101.2
Approved by: ALA Council Page: 1 of 1
Issue Date: January, 1971 and amended Supersedes: _____
July 4, 1975

Confidentiality of Library Records

The Council of the American Library Association strongly recommends that the responsible officers of each library in the United States:

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Council 10/1/77
General
1977

Council Document # 49
10/1/77

RESOLUTION ON GAY RIGHTS

WHEREAS approximately 10% of American men and women are gay, and

WHEREAS there now exists a climate of hostility toward equal rights for gay citizens, and

WHEREAS much of this hostility is generated by individuals and groups who perpetuate ignorance and fear through misinformation, and

WHEREAS in 1971 the American Library Association Council and Membership adopted a resolution recommending that "libraries and members to strenuously combat discrimination in services and employment of individuals from all minority groups, whether distinguishing characteristics of the minority be ethnic, sexual, religious, or any other kind",

BE IT RESOLVED that the Council re-affirms its support for equal employment opportunity for gay librarians and library workers, and

BE IT FURTHER RESOLVED that to combat the current campaign against full human rights for gay American citizens, Council recommends that libraries re-affirm their obligation under the Library Bill of Rights to disseminate information representing all points of view on this controversial topic.

Sponsored by Dorothy M. Broderick,
Councilor at Large

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REVIEWED FOR CONFORMANCE WITH
GUIDELINES
by Council Resolutions Committee

J Ann Bell 6/18/77