

Confidentiality and Coping with Law Enforcement Inquiries Guidelines **for the Library and its Staff** **(Patriot Act and FISA Guidelines)**

Increased visits to libraries by law enforcement agents, including FBI agents and officers of state, county, and municipal police departments, are raising considerable concern among the public and the library community. These visits are not only a result of the increased surveillance and investigation prompted by the events of September 11, 2001 and the subsequent passage of the USA Patriot Act, but also as a result of law enforcement officers investigating computer crimes, including email threats and possible violations of the laws addressing online obscenity and child pornography.

These guidelines, developed to assist libraries and library staff in dealing with law enforcement inquiries, rely upon the ALA's *Policy on the Confidentiality of Library Records*, its *Policy Concerning Confidentiality of Personally Identifiable Information*, and the *Code of Ethics*.

Fundamental Principles

Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article III of the *Code of Ethics*, which states that "[librarians] protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted."¹

Currently, 48 states and the District of Columbia have laws protecting the confidentiality of library records, and the Attorneys General of the remaining two states, Hawaii and Kentucky, have ruled that library records are confidential and may not be disclosed under the laws governing open records. Confidential library records should not be released or made available in any format to a federal agent, law enforcement officer, or other person unless a court order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records.

General Guidelines

Confidentiality of library records is a basic principle of librarianship. As a matter of policy or procedure, the library administrator should ensure that:

- The library staff and governing board are familiar with the *ALA Policy on Confidentiality of Library Records*, the *Policy Concerning Confidentiality of personally Identifiable Information About Library Users*, and other ALA documents on users' privacy and confidentiality.

¹While library registration records are not included in this policy, libraries must be cautious about making these records available to third parties.