

Confidentiality of Library Records

Library staff shall protect the confidentiality of our patron's registration and circulation records to the fullest extent allowable under the law.

Many pieces of legislation affect the privacy of our patrons including the Code of Virginia (§42.1-78), the USA Patriot Act, which modified the following legislation as well as additional US Code sections: Federal Wiretap Statute (18 USC § 25110-22), the Foreign Intelligence Surveillance Act (50 USC § 1801-11, 1823-24, 1842-43, 1862-63), the Federal Pen Register and Trap and Trace Statute (18 USC §§3121-27), and the Computer Fraud and Abuse Act (18 USC § 1030). Some of this legislation gives broad powers to law enforcement and national security personnel.

Library staff will turn over confidential patron information to law enforcement or national security personnel who display the proper credentials and provide the proper documentation (be it a subpoena, security letter, court order or legally empowered verbal request). Whenever legally possible library staff shall consult with the Library Director, Library Board of Trustees and County Attorney concerning such requests.

Confidential patron information (this includes information that both identifies any patron who has borrowed materials and the material such patron borrowed) is protected from Freedom of Information Requests as specified in the Code of Virginia § **2.2-3705.7**

“3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.”

Non-confidential patron information may be divulged to a third-party in response to a Freedom of Information Act request if such request is deemed to be both legal and reasonable by the County Attorney.

Library staff will not divulge confidential patron information to third parties without their express or implied permission except in cases where library materials have been checked out and not returned and the staff is unable to contact the patron by phone or mail or the patron has been unresponsive. When a patron has violated the Code of Virginia (§ 42.1-74) by failing to return library property and cannot be contacted, the library may share any information needed to help procure the return of our materials with whatever third parties are deemed necessary to do so, including but not limited to: landlords, employers, the County Attorney, the Orange County Treasurer, collection agencies and law enforcement personnel. The Library Director shall approve any such dissemination of information and shall inform the Library Board of Trustees of any such actions.

The provision of one's library card to a third party constitutes implied permission to access one's account.

(Approved by the Library Board of Trustees 8/2003; amended 4/2008; amended 3/2019)