

## 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 (§ 42.1-76 *et seq.*), the Virginia Freedom of Information Act (Va. Code 2.2-3700 *et seq.*) the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, 107 P.L. 56, 115 Stat. 272), which modified the following legislation as well as additional US Code sections: Electronics Communications Privacy Act of 1986 (18 USC §§ 2510-2523, ), the Foreign Intelligence Surveillance Act of 1978 (50 USC § 1801-1813, 1821-1829, 1841-1846, 1861-1864, 1871-1874, 1881-1881g, 1885-1885c), the Federal Pen Register and Trap and Trace Statute (18 USC §§ 3121-3127), and the Computer Fraud and Abuse Act of 1986 (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 Act Requests as specified in the Code of Virginia § 2.2-3705.7(3) which states:

“Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed 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.”

Va. Code 2.2-3705.7(3).

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; amended 12/2023)