



Public Library System

Confidentiality of Library Records

Policy Statement:

The Scottsdale Public Library System is required by law (A.R.S. 41-1354) to not disclose any record or information that identifies a user of library services. A user is defined as anyone who enters the library or uses services. The Library Director, or designee (person with signature authority in Library Director's absence), is the legal custodian of records, and therefore, is the person responsible for responding to any request for library records or information about a library user. (See also **APP-11**)

Regulations:

A.R.S. 41-1354 states:

1. Except as provided in subsection B, a library or library system supported by public monies shall not allow disclosure of any record or other information which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.
2. Records may be disclosed:
 - a. if necessary for the reasonable operation of the library
 - b. on written consent of the user
 - c. on receipt of a court order
 - d. if requested by statute.
3. Any person who knowingly discloses any record or other information in violation of this section is guilty of a Class 3 misdemeanor.

Procedures:

1. If a law enforcement officer requests information about library records, library users or library staff, the staff member will ask for the law enforcement officer's identification and then record the information from the identity card.
2. The staff member will inform the officer that the Library Director, or designee, is the individual responsible for responding to the request.
3. The staff member will contact the Library Director, or designee.
4. The Library Director, or designee, will accept a subpoena or similar request for records.
5. The Library Director, or designee, will work with the library's legal counsel to respond appropriately to a subpoena or search warrant.



Policy & Procedure Manual

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Protocol for City Library and Scottsdale Police Department Interactions

I. Introduction:

The City Police Department and City Library System wish to maintain a good working relationship and develop a protocol for interacting with each other that ensures compliance with privacy laws, but also promotes public safety and reduces the City's exposure to liability.

II. State Library Privacy Statute:

A.R.S. §41-1354 requires that a library supported by public monies, such as the Scottsdale Public libraries, must maintain the confidentiality of records that would identify the user and the materials or services that person has utilized. Under certain circumstances, however, the Library may disclose this information pursuant to a court order, on written consent of the user, if necessary for the reasonable operation of the library, or if otherwise required by law. (See also **MGT-2**)

The City Attorney's Office has reviewed A.R.S. §41-1354 and concluded that this statute protects the confidentiality of library usage but not a person's presence at a public library.

III. Police Department Requests for Library Records:

The Police Department is required to obtain a warrant, subpoena or other appropriate court order, in order to obtain records of usage of a library patron or information associated with that person's library card. Such court order shall be faxed to Library Director Rita Hamilton, or her designee, at 480-312-7993. In the event that the Director or her designee is unavailable, the police will serve the order on a library manager.

If a City Library patron is a victim of a crime committed at a City Library or the City Library itself is a victim of a crime and the suspect is a Library patron, the police will not be required to obtain a court order to obtain the name, address and telephone numbers of the suspect, because the exception of "if necessary for the reasonable operation of the library" to the privacy law shall apply. The release of this information is necessary under these circumstances to effectively investigate crimes against the Library or its patrons.

IV. Police Department Requests to Determine Presence of an Individual:

City Library personnel will cooperate with Police Department requests to determine if a particular individual is or has been present at a City library, when it is necessary for public or individual safety, or other legitimate law enforcement purposes. Whenever reasonably possible, these requests will be made to appropriate Library supervisory personnel or the Librarian in Charge of the building.

When making these requests to determine if an individual is or has been present in the library, police employees will provide a factual basis for the request (e.g. the person is a runaway, a truant, a wanted felon, a suspect in a criminal case, in danger of personal harm, believed to be armed and dangerous, or in possession of dangerous weapons or materials.) Generally these requests will be made in person by a police officer, but in urgent circumstances, requests may be made by phone.

V. Conclusion:

The Library and Police shall work cooperatively to resolve any issues that arise out of this protocol. Commander Scott Popp, or his designee, shall be the primary contact for the Police Department and Library Director Rita Hamilton, or her designee, shall be the primary contact for the Library.