

FARMINGTON PUBLIC LIBRARY

Patron Confidentiality and Privacy

Approved by Library Advisory Board June 2017

Next review 2019

Managed by Library Patron Services Coordinator, Library Director, and/or their designee

1. GENERAL PRINCIPLES

a. Definition –

- i. Farmington Public Library supports every patron's right to have his/her library records remain confidential.
 - ii. Library records include patron registration data; circulation records; overdue, hold and interlibrary loan records; participation in library sponsored programs; record of library visits; public computer usage; and/or any data that identify, or when combined with other available information identify, a person as a patron of the library or that indicate use or request of materials from the library.
- b. Each patron has individual control over her/his borrower's card and presentation of the card permits access to information about the borrower's current circulation record.
- i. Except during the actual period of transaction (circulation, maintenance of record on unpaid fines, hold or interlibrary loan request), the library will not maintain a record of transactions.
 - ii. When no longer needed for library administration purposes, records will be expunged.
- c. In compliance with New Mexico Statute §18-9-4, no information will be released to any person, organization, or agency of state, federal or local government, except in response 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 investigatory power, properly presented to the library administrator.

- d. Nothing in this policy shall prevent authorized library personnel from using library records in the administration of their regular duties.
 - i. By separate action, Farmington Public Library has endorsed the recommendations of the American Library Association's Policy on confidentiality of Library Records and the New Mexico Library Association's "Statement on Intellectual Freedom."

2. NEW MEXICO STATE LAW

a. NMSA Ch. 18 – 9 – 4

i. **Release of patron records prohibited**

- ii. Patron records shall not be disclosed or released to any person not a member of the library staff in the performance of his duties, except upon written consent of the person identified in the record, or except upon court order issued to the library. The library shall have the right to be represented by counsel at any hearing on disclosure or release of its patron records

b. NMSA Ch. 18 – 9 – 3

i. **Definitions**

- ii. As used in the Library Privacy Act [18-9-1 to 18-9-6 NMSA 1978]
 - B. "patron record" means any document, record, or other method of storing information retained by a library that identifies, or when combined with other available information identifies, a person as a patron of the library or that indicates use or request of materials from the library. "Patron record" includes patron registration information and circulation information that identifies specific patrons.

c. NMSA Ch. 18 – 9 – 6

i. Violations: civil liability.

- ii. Any person who violates Section 4 [18-9-4 NMSA 1978] of the Library Privacy Act shall be subject to civil liability to the person identified in the released records for damages and costs of the action as determined by the court.