

Confidentiality of Patron Records

Citing the American Library Association, the Catskill Public Library and Palenville Branch Library subscribe to the following code:

All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

Privacy is essential to the exercise of free speech, free thought, and free association. Federal and State courts have established a First Amendment right to receive information in a publicly funded library. Further, the courts have upheld the right to privacy based on the U.S. Constitution. Many states provide guarantees of privacy in their constitutions and statute law. Numerous decisions in U.S. case law have defined and extended rights to privacy to all.

The right to privacy includes the right to open inquiry without having the subject of one's interest examined or scrutinized by others, in person or online. Confidentiality exists when a library is in possession of personally identifiable information about its users and keeps that information private on their behalf. Article III of the Code of Ethics of the American Library Association states that confidentiality extends to "information sought or received and resources consulted, borrowed, acquired or transmitted," including, but not limited to, reference questions and interviews, circulation records, digital transactions and queries, as well as records regarding the use of library resources, services, programs, or facilities.

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The American Library Association has affirmed a right to privacy since 1939. Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry. Rights to privacy and confidentiality are explicit in Article VII of the [Library Bill of Rights](#) and implicit in its guarantee of free access to library resources for all users.

Furthermore, our libraries abide by Section 4509 of the New York State Civil Practice Law and Rules (CPLR) pertaining to the confidentiality of library records:

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college & university libraries & library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential & shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library & shall be disclosed upon request or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.

Resolution: Adopted on May 18, 2022 by unanimous vote of the Board of Trustees of the Catskill Public Library.