

PUBLIC ACCESS TO LIBRARY RECORDS

In accordance with IC 5-14-3-3, any person may inspect and copy the public records of the Nappanee Public Library (hereafter referred to as "the Library") during the regular business hours of the Library, except as provided in IC 5-14-3-4.

Requests for information must be made in writing and provide the name and telephone number of the requesting individual as well as the general nature of the information being sought. Any cost incurred in copying materials must be paid by the requester at the time the request is made.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

The Library will not deny or interfere with the exercise of the right to inspect and copy public records. The Library shall either:

1. provide the requested copies to the person making the request; or
2. allow the person to make copies on the Library's equipment or on the person's own equipment.

The Library will not:

1. permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the Library; or
2. permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the Library.

The Library shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, or any other method of electronic retrieval if the medium requested is compatible with the Library's data storage system. This subsection does not apply to an electronic map.

A person who receives information in electronic format may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received electronically in connection with the preparation or publication of news, for nonprofit activities, or for academic

research is not prohibited. A person who uses information in a manner contrary to these rules will be prohibited by the Library from obtaining a copy of any further data via electronic means.

The library may not disclose lists of employee names and addresses (including email addresses) to any individual or entity for political purposes, and such lists may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including email addresses) may not be disclosed to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. For purposes of this subsection, "political purposes" means influencing or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

Public Records Excepted from Disclosure

In accordance with IC 5-14-3-4, the following public records are excepted from public access and will not be disclosed by the Library, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery. These excepted records include:

1. Those declared confidential by state statute.
2. Those declared confidential by rule adopted by the Library under specific authority to classify public records as confidential granted to the Library by statute.
3. Those required to be kept confidential by federal law.
4. Records containing trade secrets.
5. Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by the Library pursuant to state statute.
6. Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
 7. concerning any negotiations made with respect to the research; and
 8. received from another party involved in the research.
9. Grade transcripts and license examination scores obtained as part of a licensure process.
10. Those declared confidential by or under rules adopted by the supreme court of Indiana.
11. Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
12. A Social Security number contained in the records of the Library.

In addition, the Library declares the following public records to be excepted from public disclosure in accordance with IC 5-14-3-4(b):

1. The work product of an attorney representing the Library.
2. Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.
3. Scores of tests if the person is identified by name and has not consented to the release of the person's scores.
4. Records that are of an advisory or deliberative nature, including material developed by a private contractor under a contract with the Library, records that are expressions of opinion or are of a speculative nature, and records that are communicated for the purpose of decision making.
5. Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
6. Personnel files of Library employees and files of applicants for Library employment, except for:
 - a. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Library;
 - b. information relating to the status of any formal charges against the employee; and
 - c. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or his or her representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

7. Administrative or technical information that would jeopardize a recordkeeping or security system.
8. Computer programs, computer codes, computer filing systems, and other software that are owned by the Library or entrusted to it.
9. Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that personnel information required to be available for inspection and copying under subdivision (6).
10. The identity of a donor of a gift made to the Library if:

- a. the donor requires nondisclosure of his or her identity as a condition of making the gift; or
 - b. after the gift is made, the donor or a member of the donor's family requests nondisclosure.
11. Library or archival records:
- a. that can be used to identify any Library customer; or
 - b. deposited with or acquired by the Library upon a condition that the records be disclosed only:
 - i. to qualified researchers;
 - ii. after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
 - iii. after the death of persons specified at the time of the acquisition or deposit.

In accordance with IC 5-14-3-4(d), notwithstanding any other law, a public record that is classified as confidential, other than a record containing an adoption, shall be made available for inspection and copying 75 years after the creation of that record.

Responding to Third Party and Law Enforcement Requests for Library Records and User Information

Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article III of the Code of Ethics of the American Library Association, which states that "[librarians] protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted."

Indiana law protects the confidentiality of library records (IC 5-14-3). The library has adopted an Access to Library Public Records Policy that clarifies the types of records that are excepted from public disclosure. Please see this policy for more information.

Confidential library records shall not be made available to any third party nor any law enforcement agency of a local, state, or federal government except when a court order in proper form, issued by a court of competent jurisdiction after a showing of good cause, is presented to the library by the law enforcement agency or person seeking the records. The following types of information are examples of confidential library records that might be involved in or requested in an investigation:

- A list of Internet users.
- A list of customers.
- A list of items checked out by a customer.
- Confiscation of Internet computers.

In order to protect the confidentiality of library users, the library will avoid creating unnecessary records. The only records retained will be those that are needed for efficient operation of the library. Indiana laws regarding record retention schedules will be followed, but records will be destroyed or archived regularly according to that schedule.

The legal custodian of records for the Nappanee Public Library is the library director. The library director is the person responsible for handling any requests for library records or information about a library user. The library director may designate one or more library employees to serve as persons responsible for responding to any request for library records or information about a library user when the library director is absent or unavailable. All library staff should understand that it is lawful to refer a law enforcement officer or agent to an administrator in charge of the library, and that the staff members are not required to respond immediately to any request. No library employee or volunteer may release library records or reveal information about a library customer to any third party or law enforcement agent unless authorized to do so by the library director, the library director's designated alternate, or the library's legal counsel. In all circumstances, without exception, employees and volunteers shall follow the procedures set forth in the Nappanee Public Library document, Guidelines for Responding to Law Enforcement Requests for Library Records and User Information.

The library director and the Nappanee Public Library board are jointly responsible for ensuring that every library employee and volunteer is provided with a copy of this policy and the accompanying guidelines and ensuring that every employee and volunteer annually participate in a training program.

Customer Confidentiality and Privacy Policy

All Nappanee Public Library customers are entitled to privacy regarding their use of library materials and services as follows:

Library Records

In accordance with IC 5-14-3-4 and the Nappanee Public Library's Access to Library Public Records Policy, all NPL library records, the primary purpose of which is to maintain control of library materials or to gain access to information

that discloses or could be used to disclose the identity of a library customer, are confidential in nature. Staff may not access any information about any library use for any purpose except that related to the transaction of library business.

Library records include all circulation records, computer booking records, and other records linking the names of library customers, their addresses, and other personal information with specific library materials. Such records will not be made available to any individual, organization, or federal, state, or local government agency, with limited exceptions.

NPL is legally obligated to honor requests for library records made by an agency of federal, state, or local government, including but not limited to law enforcement agencies, when a subpoena, warrant, court order, or other investigatory document is properly issued by a court of competent jurisdiction that shows good cause. When a request for library records is received, library staff will follow the Policy for Responding to Third Party and Law Enforcement Requests for Library Records and User Information.

Although library records are confidential in nature, the following allowances are made:

- Any customer is entitled to his or her own library account information.
- A parent or guardian may have access to a library account for minor children up to age 18 unless the minor is emancipated. This information will not be released without verification of card ownership/parental relationship.
- Staff may use library accounts and the computer booking system to provide customer information to the police for the purpose of implementing a NPL-initiated trespass or to pursue legal action.
- Staff may use library accounts to notify a customer regarding recovery of stolen library materials or lost and found items.

NPL does not sell, lease, or otherwise distribute or disclose customer name, email address, postal address, telephone number, or other personal information to outside parties.

Use of Facilities

There is no reasonable expectation of privacy regarding a person's presence in a public building. For that reason, library staff may respond to questions from law enforcement officers about a person's presence in the library. Please note that there is a distinction between privacy of a customer's use of library materials and services and their physical presence in a public building. For example:

If a law enforcement officer asks staff for information from a customer's library account or asks if a customer has used the computers, staff should follow the Policy for Responding to Third Party and Law Enforcement Requests for Library Records and User Information.

If a law enforcement officer, who has provided identification, shows staff a picture of a customer and asks if the customer has been in the library during a designated time period, library staff should answer the officer's inquiry to the best of their ability as the customer has no expectation of privacy in this instance.

Staff may not proactively monitor the library for an individual, regardless of age, and report to law enforcement when that person comes into the library. Staff may not verify one customer's presence in the library to another customer via telephone or in person, regardless of age (e.g. a parent looking for a child), unless an emergency exists.

Customer privacy is automatically waived if staff believes that a crime is being committed in the library. Customer privacy is also automatically waived in cases of suspected child abuse or neglect, which must be reported to the proper authorities.

Customer Holds

When leaving phone messages for customers about holds that are available for them, staff should use the generic message, "We have a book available that you requested." Staff should not state the name of the item that is on hold unless they are talking directly to the person who placed the hold.

Web and E-mail Communications

The library is committed to protecting the privacy of the people who use the library and who communicate with the library electronically via e-mail or the Web. Except when compelled by a court order, the library does not share personal information about customers with any other outside organizations. Any personal information the library may collect about library customers is viewed by staff members for the library's internal and confidential use only.

The following is the only information collected when a customer visits the library's website:

- The IP address and domain name associated with the customer's computer.

- The browser software and operating system used to access the library site.
- The address of the web site that referred the customer to the library site.
- The date and time of the visit to the library web site.
- The pages visited on the library site.
- The search terms used that led the customer to the library site.

The library uses the information collected to count the number and type of visitors to the pages on the site. Information in individual library accounts is not associated with a customer's use of the Web.

The library uses cookies with its Web-based catalog to keep track of what scope of the catalog a customer has chosen to search or to remember the list of items a customer has exported. Cookies saved on the library's Web server do not store any personal information and expires after 24 hours.

The library acknowledges that, in general, e-mail is not a secure method of communication, and customers assume sole responsibility for all electronic communications.

The library asks customers to share an e-mail address in order that the library may send notices and reminders quickly and conveniently.

If customers send a question or comment via e-mail, the library may save the message and any personal information it contains in files stored on its e-mail server. The recipient of the e-mail message may forward it to other library employees. The library does not give or sell the e-mail addresses of its customers to any outside agencies.

Remote Access

NPL takes many measures to safeguard customer information but cannot and does not guarantee that every task completed via its website, catalogs, databases, or public computers is private.

Staff Training

The library director is to ensure that every library employee is provided with a copy of this policy and participates in training on its implementation, such training to be done at least annually.