

Confidentiality of Library Records Policy

Policy Name:	Confidentiality of Library Records		
Responsible Vice President:	Provost	Adopted:	2020-08-05
Responsible Office or Department:	Library	Reviewed:	2020-08-05
Contact:	William H. Walters Executive Director of the Library	Revised:	2020-08-05
		Frequency of Review/Next Review:	

Policy Statement

The Confidentiality of Library Records policy describes the measures taken by the Library to keep patrons' library records and personal identifying information private. The policy explains what personal identifying information is gathered by the Library in the normal course of operations and how that information is used, stored, and shared by the Library. The policy also details the procedures the Library will use in working with law enforcement agencies who seek access to patrons' library records.

Who Should Read This Policy

All members of the Manhattan College community

Links and Resources

- Manhattan College Data Security Policy (https://content.manhattan.edu/its/data_security_policy_final.pdf)
- O'Malley Library Access Policy (<https://lib.manhattan.edu/about/policies>)

Terms and Definitions

"Patron" for the purposes of this Policy means any authorized user of the Mary Alice & Tom O'Malley Library. Patrons include, but are not limited to, students, faculty, administrators, staff, and alumni.

The Policy

I. Introduction

Manhattan College's Mary Alice & Tom O'Malley Library ("Library") is fully committed to library patrons' confidentiality and privacy. Moreover, the confidentiality of library records is protected by New York State law (chapter 112, section 4509):

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college, and university libraries, and 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 and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order, or where otherwise required by statute.

This Policy on the Confidentiality of Library Records applies to interactions with library personnel, records related to the use of print materials and physical media (such as DVDs), and the information provided to vendors of online information resources licensed by the Library. It does not apply to vendors' use of the information they hold. Likewise, it does not apply to information stored on computers that are owned by the College, or to the information networks that transmit information from the College to outside agencies. Those facets of information confidentiality are covered by the Manhattan College Data Security Policy.

II. Notice and Openness

The Library informs patrons about the policies governing the amount and retention of personally identifiable information and about why that information is necessary for the provision of library services.

We gather information about library patrons for the sole purpose of providing and evaluating library services. Where it is necessary for the Library to identify patrons, our goal is to gather only the minimum information necessary and to retain that information for only as long as it is needed to perform necessary library functions and to comply with applicable laws. We avoid creating unnecessary records and retaining records not required. Furthermore, we do not engage in practices that might place personally identifiable information in or on public view.

III. Choice and Consent

The Library keeps all personally identifiable information confidential. We will not share, sell, license, or disclose personal information to any third party without the patron's consent unless we are compelled to do so under the law or to comply with a court order.

To receive borrowing privileges, The O'Malley Library must obtain certain information about a patron in order to provide a library account. This information may include name, e-mail address, card number or barcode, and patron category (first-year student, fourth-year student, faculty, etc.).

IV. Access by Users

Patrons checking out library materials or renewing them in person must show their Manhattan College ID, or, at the discretion of the library staff, another form of photo ID. Patrons who want to see or renew the library materials checked out to them through JASPERcat (online) must log in using their JASPERcat username and password.

To use licensed online resources from off-campus locations, patrons must log in using their Manhattan College JASPERnet ID and password.

When using certain library services or collections, patrons may need to show identification and/or provide personally identifiable information on paper forms or logs that are retained only as needed.

Not all records in the Archives are accessible to the College community. We have a responsibility to protect the confidentiality of records for which access is restricted by our agreements with various LaSallian institutions or by other legal means. In all cases, access to materials in the Archives may be restricted by the Director of Archives and Special Collections.

V. Data Integrity & Security

We will minimize the extent to which records with identifying information (e.g., book circulation and interlibrary loan records) are kept, and retain that information only as long as it is needed to perform necessary library functions and to comply with applicable laws. For instance, borrower information for books and DVDs is kept on file only until each item is returned. However, interlibrary loan records with patrons' names are kept within the Library for three years, in accordance with the guidelines of the Commission on New Technological Uses of Copyrighted Works.

The outside companies and organizations that supply online information resources routinely record and save information such as IP address, operating system, time of access, search queries, and results lists. Nonetheless, the Library will minimize the extent to which personally identifying information is transmitted to online resource vendors, library networks/consortia, and other libraries (e.g., those that fulfill interlibrary loan requests). When a library patron uses interlibrary loan, his or her name and request will be stored within the OCLC (third-party) information system for no more than three months, and the name of the patron will not be known to the lending library.

When patrons log on to library resources from off-campus locations, for instance, the vendor will see just the IP address (and related information) for the Library's proxy server—not for the patron's computer. When patrons log on to library resources from on-campus locations, the vendor does see the IP address (and related information) for the computer the patron is using. Just a few of the library's online resource require users to register, and others require registration only if users want to complete certain tasks (such as saving searches or article lists at the vendor's site). In those cases, the patron can decide whether to supply that information.

VI. Enforcement & Redress

The Library or its personnel will not share information about patrons, their information requests, or their use of information resources with anyone outside the Library except to the extent required by law. This includes, but is not limited to, circulation records, interlibrary loan records, purchase/acquisition requests, reference inquiries, and research consultations. (Exception: The identity of the faculty member who places an item on course reserve can be seen by students and other library patrons.) Patrons' information will be shared within the Library only to the extent required for library operations and management (including assessment of library collections/services and training of personnel).

Library patrons who have questions, concerns, or complaints about the confidentiality of their records should file written comments with the Executive Director of the Library.

VII. Government Requests for Library Records

Library personnel will not comply with requests for information related to individual patrons except as required by law. We will not make any patron's library records available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction that shows good cause and is in proper form, and the Manhattan College's

General Counsel has verified the legitimacy and scope of those documents. Anyone attempting to serve legal papers, including law enforcement personnel, will be directed to the General Counsel. In all such cases, the library staff will inform the requesting individuals that we are not authorized to accept legal papers on behalf of the College.

Information unrelated to patrons' information requests, such as security camera footage and information on the use of facilities (rooms, equipment, etc.) may be shared with law enforcement personnel at the discretion of the Executive Director of the Library in consultation with the General Counsel, but only if that information is not linked to the patrons' use of specific information resources. For instance, we will not provide information on the use of a computer terminal that provides access to a database that is not accessible from other locations.

Contact

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