

Patriot Act -- Information for Library Trustees & Library Staff

Peabody Institute Library of Danvers

The Act

The USA Patriot Act of 2001 was enacted on October 25, 2001. The act broadly expands law enforcement's surveillance and investigative powers.

Full Title

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

Its Purpose

The Act's stated purpose is to "deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes." The USA Patriot Act broadly expands the surveillance and investigative powers of law enforcement through its amendments to existing laws including the Federal Wiretap Act, the Electronic Communications Privacy Act (ECPA), the Foreign Intelligence Surveillance Act (FISA), and the Family Education Rights and Privacy Act (FERPA). It also enhances the ability of law enforcement to implement electronic surveillance during domestic criminal investigations as well as intelligence investigations.

Sections Affecting Libraries

Title II: Advanced Surveillance Procedures

Section 215: Access to records and other items under the Foreign Intelligence Surveillance Act.

Section 216: Modification of authorities relating to use of pen registers and trap and trace devices.

Access to patron information may include but not be limited to:

Database Search Records
Circulation Records
Computer Use Records

Inter-Library Loan Records Reference Interviews

Database Search Records

These records refer to the searches of the collection a patron may conduct on the public access terminals.

Circulation Records

Patron materials are circulated via the III system. The circulation software tracks materials currently checked out. The system automatically erases the borrowing records once items are returned and all fines are paid.

Computer Use Records

The Library does not assign a computer to a patron and a paper record with the patron's information is not generated. A record of what the patron printed is not generated. When the patron closes the library's Internet browser software, all history of research and activity is erased.

Inter-Library Loan Records

Patrons may borrow items not owned by the Peabody Institute Library (Danvers) from a wide variety of libraries. The ILL Department tracks items currently being borrowed and generates a paper record with patron information. Once the materials are returned and all appropriate fines and/or fees are paid, the paper record is destroyed.

Reference Interviews

A reference interview occurs when a patron looking for information approaches a library staff member and the staff member interviews the patron in order to narrow down the specific information needed. No paper record is kept during the interview that has any patron information on it. If a patron name and number is taken by phone, and patron information is written down, as soon as the requested information is delivered, the paper record is destroyed.

Enforcement

The Peabody Institute Library staff will comply with law enforcement when supplied with legal subpoena or warrant.

Staff Procedures

If anyone approaches a staff person alleging to be a law enforcement official requesting information, **do not disclose to that individual any information.** Immediately contact the Library Director, Assistant Library Director or a Department Head.

The Director, Assistant Library Director, or the Department Head will ask to see official identification and will photocopy the ID.

The Director, Assistant Library Director, or the Department Head will then contact Town of Danvers Legal Counsel.

If law enforcement presents a subpoena, Library Administration will direct the subpoena to legal council for review.

If law enforcement presents a warrant, Library Administration will direct the warrant to legal council for review.

Library Administration may only release records if Town Counsel determines that the subpoena or warrant are legal and binding upon the Library.

Library Administration and Library Staff must keep a record of all legal requests.

Library Administration and Library Staff must keep a record of all costs incurred by any search and/or seizures.

A “gag” provision is part of the USA Patriot Act. Should library records be requested under the act, the law states that library staff cannot inform the person about whom the information is requested, nor speak to co-workers, the media or other government officials about the inquiry. Such requests can be reported to the Library Director or the Assistant Library Director.

Peabody Institute Library (Danvers) Policy On Patron Confidentiality

The Library respects and protects the privacy of all Library users, regardless of age. Unless required by law, the library does not give out information about titles of books checked out, the number of books overdue, or the titles of books overdue.

The Library does not give out information about the number of visits a patron makes to the Library, their use of Library materials, their reference questions, or their computer use.

Reviewed by Town Counsel on xxxxx, 2003

Voted by Library Trustees on xxxxx, 2003

