CUNY Policy on Confidentiality of Library Records

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CUNY POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS:

The University seeks to protect each of its library user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired; and library circulation records and other records identifying the names of library users are confidential in nature.

Library records which contain names or other personally identifying details regarding the users of the libraries of The City University of New York, including, but not limited to, records related to the circulation of library materials, computer database searches, inter-library loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall not be made available to any agency of state, federal, or local government except pursuant 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 investigative power.

The University shall resist the issuance or enforcement of any demand, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.
PROCEDURES TO ENSURE CONFIDENTIALITY:

1. Any City University library staff member receiving a request to examine or obtain information relating to circulation or other records identifying the names of library users will immediately refer the person making the request to the responsible officer of the library, who shall explain the confidentiality policy, i.e., that the University will only honor such request if it is supported by an appropriate legal authorization as provided in Paragraph 2 of the procedures.

2. If the library officer receives a legal demand, order, or subpoena, s/he shall refer such demand, order, or subpoena to the college president's office which shall refer it to the University's general counsel for review and appropriate action.

3. If the demand, order, or subpoena is not in proper form the requestor shall be advised that such defects must be cured before any records are released.

4. Any subsequent communication with reference to unauthorized demands (i.e., though not supported by a demand, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the Chief Librarian who shall inform the College president's office which shall be responsible for informing the University's general counsel.

5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the responsible officer of the library who shall inform the college president's office which shall be responsible for informing the University's general counsel.