



Lewes Public Library, Inc.

Complying with Law Enforcement Policy

Confidentiality of library records is a basic principle of librarianship. As a matter of policy, the Lewes Public Library (“LPL”) protects each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted. Confidential library records shall not be released or made available in any format to a federal agent, law enforcement officer or other person unless a court order in proper form has been entered by a court of competent jurisdiction. The LPL hereby formally adopts a policy that instructs the LPL’s Board of Commissioners, staff and volunteers how to comply with law enforcement inquiries.

General Procedures

- The LPL’s Executive Director will serve as the person responsible for handling all law enforcement requests. In the event that the Executive Director is unavailable, all request should be directed the LPL’s Assistant Director. If she/he is unavailable, then all requests should be forwarded to the Board of Commissioners Chairperson.
- If anyone approaches LPL staff or volunteer alleging to be a federal agent or law enforcement officer requesting information, the staff or volunteer shall independently ascertain the phone number of the agency and call to confirm legitimacy. The staff or volunteer shall not disclose any information, but immediately contact the LPL’s Executive Director.
- The Executive Director shall meet with the agent or officer with a staff member present. If possible, one person shall take notes in the event a record of the encounter is needed.
- If the agent or officer does not present a court order compelling the production of records, the Executive Director shall explain the LPL’s Confidentiality Policy and state that patrons’ records are not available except when a proper court order in good form has been presented to the LPL.

If a proper court order is in the form of a subpoena:

- Subpoenas do not require an immediate response from the LPL. Therefore, the Executive Director shall inform the agent or officer serving the subpoena that the

- LPL will respond within the time allotted and in conformity of the law. The Executive Director shall forward the subpoena to legal counsel.
- Counsel shall examine the subpoena for any legal defect. If a defect exists, counsel will advise on the best method to respond to the subpoena. Through legal counsel, the LPL may insist that any defect be cured before records are released and that the subpoena is strictly limited to require release of specifically identified records or documents.
 - After consulting with legal counsel, the Executive Director will review the information to be produced in response to the subpoena before releasing the information. The Executive Director will follow the subpoena strictly and will not provide any information that is not specifically requested in it.

If a proper court order is in the form of a search warrant:

- If LPL's staff or a volunteer is presented with a search warrant, they shall not interfere with the search and seizure, but immediately comply and contact the Executive Director.
- The Executive Director may ask to have LPL's counsel present before the search begins in order to allow counsel an opportunity to review the search warrant and to ensure the search conforms to the terms of the search warrant.
- A search warrant may be executed immediately. Therefore, the agent or officer may begin a search of library records as soon as the LPL is served with the court's order.
- If the agent or officer refuses to delay the search, the Executive Director shall examine the warrant to ensure the validity and parameters of the search.
- The Executive Director will cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned.
- The Executive Director will maintain a record of the items seized from the LPL. If possible, the Executive Director will keep the originals and provide the agent or officer with copies (or make copies for the library's reference).

If a proper court order is in the form of a search warrant issued under the Foreign Intelligence Surveillance Act (FISA):

- The aforementioned instructions for a regular search warrant still apply. However, a search warrant issued by a FISA court also contains a "gag order." The LPL cannot disclose that the warrant has been served or that records have been produced. No information can be disclosed to any other party, including the patron whose records are the subject of the search warrant.
- The Executive Director can request that legal counsel be present during the actual search and execution of the warrant.

After the visit:

- The Executive Director shall review the subpoena or search warrant with LPL's counsel to ensure that the LPL complies with any remaining requirements.

- If a ‘gag order’ is not in effect, the Executive Director will notify the American Library Association.

Emergency Disclosures of Communication

If in the normal course of business the library staff or a volunteer observes what can reasonably be construed to be a criminal act, they are to contact law enforcement immediately and assist as needed. They should then contact the Executive Director and fill out an Incident Report.

Adopted by the Lewes Public Board of Commissioners on June 1, 2004.

Revised on July 14, 2015