

Burnham Memorial Library
Colchester, VT

PRIVACY AND CONFIDENTIALITY POLICY

Burnham Memorial Library specifically recognizes the right to privacy for library patrons and the confidentiality of records related to the use of or the circulation of library materials/resources that contain the names or other personally identifying details regarding the users of the library.

This policy is in accordance with federal law and the laws of the State of Vermont (1 V.S.A. § 317 (c)(19)).

I. Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. Burnham Library maintains that users of library services have the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf. The Burnham Library Board of Trustees supports the principle of intellectual freedom and the rights of each citizen, regardless of age, to free access to information without fear of intimidation or recrimination. This policy safeguards the first amendment and privacy rights of those who use the Burnham Library. The Library advises employees, volunteers, and patrons that all Library records that contain names or other personally identifying details regarding the users of the Library are confidential.

Our commitment to patron privacy and confidentiality has deep roots not only in law but also in the ethics and practices of librarianship. In accordance with the American Library Association's Code of Ethics:

"We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted." (Section III)

In addition to personally identifiable information, patron information may include, but not be limited to:

- Circulation and borrowing records
- Computer use records
- Interlibrary loan records
- Database/library catalog search records
- Reference & information questions

II. Library Records and Personally Identifiable Information

Borrower Accounts: The Burnham Library collects and keeps on file information about library patrons for the purpose of maintaining a current record of its borrowers. The Burnham Library will not collect or retain a person's private and personally identifiable information without his/her consent. Further, if a person consents to provide personally identifiable information, the library will keep this information confidential and will not sell, license, or disclose personal information to any third party without the person's consent, unless we are compelled to do so under the law or to comply with a court order.

To receive borrowing privileges, library patrons must provide certain information. This may include: name, address, phone number, e-mail address (optional), signature, and/or name and signature of a parent or legal guardian for minors under age 12. Colchester citizens who are seasonal residents must provide a second out-of-town address and phone number, in addition to a Colchester address. New registrants are required to show a valid form of identification. Colchester residents applying for a library card must show proof of local residence or local tax status (see Circulation Policy for valid forms of id/residence). Certain allowances are provided for individuals or families experiencing housing insecurity.

The library extends borrowing privileges to any permanent resident of Vermont and collects and maintains a record of personally identifiable information for each out-of-town borrower registered.

Library patrons have the option of providing an e-mail address so that the library can send notices concerning the person's library account. A library patron may request that the library remove his/her e-mail address from library records at any time.

Individuals who use library services that require the function and process of personally identifiable information are entitled to view and/or update their information. A library member may view or update his/her personal information in person. The library may ask to see some form of verification or identification to ensure verification of identity.

The purpose of accessing and updating personally identifiable information is to ensure that library operations can function properly. Such functions may include notification of overdue items, recalls, bills, etc. The library will explain the process of accessing or updating your information so that all personally identifiable information is accurate and up to date. Each library patron's record has an expiration date; upon expiration the library will ask the patron for verification of current personal information (address, phone number, etc.)

Children: Colchester children under the age of 12 may receive a library card and have full borrowing privileges once the library receives a registration card that is completed and signed by the child's parent or legal guardian. Children ages 12 and older do not need

to have the signature of a parent or guardian to receive a library card and are not considered minor children.

Burnham Library recognizes that parents or legal guardians who have signed their minor children's applications have assumed financial responsibility for materials checked out on their children's cards. Therefore, in following of Vermont State Law (22 VSA § 172) custodial parents or legal guardians will be provided with specific information about the materials borrowed on their minor children's library cards. Parents/legal guardians may be asked to provide proof of identity before any information is given out about their children's borrowing records.

III. Security

Staff access to personal data: The Library permits only authorized Library staff and select volunteers access to personal data stored in the library's computer system for the purpose of performing library work. The library will not disclose any personal data collected from patrons to any other party except where required by law or to fulfill an individual user's service request. The library does not lend, sell, or lease users' personal information to companies, organizations, or individuals without the person's consent. As part of the agreement of the Chittenden County Homecard Program, the Burnham Library may share personal data about individual library patrons with authorized staff in other Homecard libraries for the purpose of performing library work.

Note: Burnham Library may share with the Colchester Police Department information about borrowers for the purpose of recovering stolen, lost, or damaged property.

Enforcement & Redress: Burnham Library will not share data on individuals with third parties unless required by law. Library users who have questions, concerns, or complaints about the library's handling of their privacy and confidentiality rights should file written comments with the Director of the Library. The Director will respond in a timely manner and may conduct a privacy investigation or review of policy and procedures.

The Burnham Library Board of Trustees authorizes only the Library Director (or designated staff in the Director's absence) to receive or comply with requests from law enforcement officers. In such an event the Library Director will confer with the Town of Colchester's legal counsel before determining the proper response. The library will not make 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. Burnham Library staff and volunteers are trained to refer any law enforcement inquiries to Library administration.

Town Attorney: Brian P. Monaghan, Esq. Monaghan Safar Ducham PLLC
156 Battery Street
Burlington, Vermont 05401
Tel: 802.660.4735
Fax: 802.419.3662
bmonaghan@msdvt.com
www.msdvt.com

Approved by the Burnham Memorial Library Board of Trustees: April 17, 2014

Reviewed: June 16, 2016

Revised: June 15, 2023, July 1, 2024

Signed by all listed below:

Toni Josey, Chairperson

Carol Anderson, Treasurer

Rebecca McMahon, Secretary

Leora Black

Brent Litterer