

Ford City Public Library

Patriot Act Policy Statement

The USA Patriot (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act was passed by Congress on October 26, 2001. The act broadly expands law enforcement's surveillance and investigative powers. Ford City Public Library will do its utmost to uphold the privacy and confidentiality of patrons' free access to information. The USA Patriot Act does not change Pennsylvania's Library Confidentiality Law, The Library Code, P.L. 324, Article IV Sec. 428, Library Circulation Records. Library staff in Pennsylvania will continue to ask for court orders before disclosing confidential library records to the police or other authority.

Acting in response to a request for records, the staff of Ford City Public Library will observe the following procedures:

1. Ask to see official identification. Refer the request to the Library Director.
2. If s/he is not available, keep in mind that the request must be a subpoena or court order signed by a Judge. Ordinarily, an attorney can sign a subpoena. However, under the library confidentiality statute, a judge must sign the subpoena. If a subpoena is only signed by an attorney, it is not adequate.
3. Under the Act, a request may come in the form of a search warrant (which must be signed by a judge as well). Should it result in the confiscation of library materials, staff members are instructed to step aside because search warrants are immediately executable.
4. In either case, get a copy (they should provide this without request) of the subpoena or search warrant. Do not let them leave without doing this.
5. Report the incident to the director's office for follow-up.
6. Under the "gag" provision of the Act, the law states that library staff cannot inform the person about whom the information is requested, nor speak to co-workers or the media. Such requests can be reported to a higher authority within the library, such as the Library Director or Board President.
7. In sum, the library staff will comply with law enforcement when supplied with a duly executed legal subpoena or warrant.

The fundamental difference between a search warrant and a subpoena is that a subpoena calls for future action whereas a search warrant calls for immediate action. A subpoena commands a person (usually the most knowledgeable person) to appear at a certain time or place and may also require that they appear with certain documents. In contrast, a search warrant commands that certain items be immediately taken and/or viewed.