

Free Library of New Hope and Solebury

Management Policy

Privacy and Confidentiality

Policy Statement

Privacy is essential to the exercise of free speech, free thought, and free association. Courts have upheld the right of privacy based on the Bill of Rights of the U.S. Constitution. Confidentiality of library records is a core value of library service nationwide. The Free Library of New Hope and Solebury endorses the American Library Association's Code of Ethics, which states: "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."

The Free Library of New Hope and Solebury is governed by the Pennsylvania Library Code, Title 24, Chapter 16-Libraries. Article IV, Section 428 of the Code states:

"Records related to the circulation of library materials which contain the names or other personally identifying details regarding users... shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding."

Regulations

Bucks County Public Libraries (BCPL), of which the Free Library of New Hope and Solebury is a member, maintains a database of user information as part of its automated circulation system. The database contains personal information such as user's name, address, phone and cell numbers, date of birth, e-mail address, driver's license number, gender, and library card number. BCPL and the Free Library of New Hope and Solebury retain no records of books and other materials borrowed and returned in the past, only items currently checked out or with outstanding bills.

The library maintains limited information about computer signups in its automated signup system, such as the library card number used to log on to a public computer at a certain time of day. All data related to computer signups is purged daily.

The library and its paid and volunteer staff do not disclose or distribute borrower circulation records, computer signup information, or other personal information to outside parties except as required by law or with the user's authorization. This includes

disclosure or distribution of information upon request by a parent or guardian for a child's records or a family member for another family member's records.

User information will be accessed by library staff internally and with the staff of other libraries only as part of the necessary performance of their job duties.

User information may be compiled for required statistical reporting to federal, state, local and private funding bodies. The Free Library of New Hope and Solebury may also use these files for building relationships and communicating with library users in order to enhance and improve library services. These files do not contain user borrowing or circulation information. The library will respect and follow users' wishes regarding how and if they prefer to receive library communications.

Only the Library Director, the President of the Board of Trustees, or their designee is authorized to comply with requests from law enforcement officers submitted in the form of a court order, subpoena, or Foreign Intelligence Surveillance Act (FISA) order. All such requests received by the Free Library of New Hope and Solebury will also be forwarded to the administrative offices of Bucks County Free Library (BCFL) in Doylestown for consideration and review.

Procedures

Upon request for information in a child's record by a parent/caregiver:

1. Staff will explain the library's Privacy Policy to the requestor, and inform the requestor that the library's policy is guided by law, which the library must follow. A copy of this policy will be available at the Circulation Desk for review.
2. Staff will provide information about the library's lawful recommendations from the library's Circulation Policy and Procedures for those who would like to closely monitor a child's library use.
3. Staff will give the requestor the option to appeal the library's decision in writing to the library Board.

Upon request for information in a family member's record by another family member:

1. Staff will explain the library's Privacy Policy to the requestor and inform the requestor that the library's policy is guided by law, which the library must follow. A copy of this policy will be available at the Circulation Desk for review.
2. Staff will provide information about the library's lawful recommendations from the library's Circulation Policy/Procedures for those who would like to access another's person's library record.

3. Staff will give the requestor the option to appeal the library's decision in writing to the library board.

Upon request by a law enforcement officer without a subpoena, search warrant, or Foreign Intelligence Surveillance Act (FISA) order:

1. Staff will explain the library's Privacy Policy to the requestor and inform the requestor that the library's policy is guided by law, which the library must follow. A copy of this policy will be available at the Circulation Desk for review.
2. Staff will inform the requestor that the library will respond to law enforcement requests for records that are submitted in the form of a court order, including subpoenas or search warrants, or a Foreign Intelligence Surveillance Act (FISA) order.
3. Staff will give the requestor the option to discuss the Library's decision and policy with a higher ranking staff person, including the Library Director, President of the Board of Trustees, and the BCFL Executive Director.

Upon receipt of a subpoena:

A subpoena is a call to come before a court, and may include a direction to bring specified records. Not all subpoenas are self executing court orders. In addition, even a valid subpoena may be overly broad or otherwise subject to negotiation with the issuing authority. The library's attorney can determine if a particular subpoena must be complied with as is or whether it is subject to negotiations with the issuing authority. A subpoena normally indicates that a response is required within a certain number of days. Under Pennsylvania law, the library is not permitted to disclose library records in response to a subpoena that is not a court order.

1. Staff will inform the requestor that the following steps (2-5) will be taken as a response to the subpoena.
2. Staff will immediately notify the Library Director, the President of the Board of Trustees, and the BCFL Executive Director, or if the BCFL Executive Director is not available, the highest ranking staff person who can be reached.
3. The President of the Board of Trustees or the Library Director will ask the library's attorney to review the subpoena. The BCFL Executive Director or the highest ranking staff person will ask BCFL's attorney to review the subpoena.
4. The library's attorney will represent the library's interest, including a requirement that any legal defects be cured before records are released.

5. If appropriate, the library's attorney will draft a protective order and/or Motion to Quash to be submitted to the court keeping the requested information confidential and limiting its use to the particular case.

Search Warrants:

A search warrant is an order signed by a judge directing a law enforcement officer to conduct a search of a designated person, a designated object, or a designated place for the purpose of seizing designated property or kinds of property. All search warrants are court orders. Under Pennsylvania law, the library is required to disclose library records in response to court orders, which means that the library is required to disclose library records in response to search warrants.

1. Unlike a subpoena, a search warrant is executable immediately. Law enforcement officers may begin a search of library records as soon as they enter a library. Staff will ask for a copy of the search warrant. Staff will notify the Library Director, the President of the Board of Trustees, and the BCFL Executive Director (or if the Executive Director is not available, notify the highest ranking staff person who can be reached). The President of the Board of Trustees or the Library Director will attempt to contact the library's attorney immediately. The BCFL Executive Director or the highest ranking staff person will attempt to contact BCFL's attorney immediately.
2. Staff will request that law enforcement officers wait until the library's attorney or the BCFL attorney is present before the search begins in order to allow counsel an opportunity to examine the search warrant and assure that the search conforms to the terms of the search warrant. Law enforcement officials are not required to agree to the library's request to delay the search.
3. Staff will cooperate with the search and make no effort to hinder the search. Staff will keep as complete notes as possible as to material and information accessed or taken to ensure that only the records identified in the warrant are produced and that no other library user's records are disclosed. Even if the law enforcement officer wants to review or take records that do not appear to be covered by the search warrant, staff will cooperate, since failure to do so could result in staff members being arrested.

Foreign Intelligence Surveillance Act (FISA) Orders:

A FISA order is a search warrant under the umbrella of the Foreign Intelligence Surveillance Act. The USA Patriot Act amended FISA to allow the FBI to apply for a court order requiring "the production of any tangible things (including books, records,

papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment . . .” If the library receives a FISA order it will be presented by an FBI agent.

1. Unlike a subpoena, a search warrant is executable immediately. FBI agents may begin a search of library records as soon as they enter a library. Staff will ask for a copy of the search warrant. Staff will notify the Library Director, the President of the Board of Trustees, and the BCFL Executive Director (or if the Executive Director is not available, notify the highest ranking staff person who can be reached). The President of the Board of Trustees or the Library Director will attempt to contact the library's attorney immediately. The BCFL Executive Director or the highest ranking staff person will attempt to contact BCFL's attorney immediately.
2. Staff will request that the FBI agents wait until the library's attorney or the BCFL attorney is present before the search begins in order to allow counsel an opportunity to examine the search warrant and assure that the search conforms to the terms of the search warrant. FBI agents are not required to agree to the library's request to delay the search.
3. Staff will cooperate with the search and make no effort to hinder the search. Staff will keep as complete notes as possible as to material and information accessed or taken to ensure that only the records identified in the warrant are produced and that no other library user's records are disclosed. Even if the FBI agent wants to review or take records that do not appear to be covered by the search warrant, staff will cooperate, since failure to do so could result in staff members being arrested.
4. Staff will disclose no information whatsoever about the search to anyone other than the Library Director, the President of the Board of Trustees, the BCFL Executive Director, the library attorney, or the BCFL attorney. It is illegal to disclose to any other person (other than those persons necessary to produce the tangible things sought in the warrant) that the FBI has sought or obtained records or other items under FISA.

Adopted by the Board of Directors May 20, 2009

**Free Library of New Hope and Solebury
Management Policy
Endorsement of ALA Bill of Rights and Freedom Statements**

The Free Library of New Hope and Solebury encourages free access to ideas and supports the right of the individual to secure information. The Library upholds the principles found in the American Library Association's "Library Bill of Rights," "Freedom to Read," and "Freedom to View" statements.

Adopted by the Board of Trustees April 15, 2009

Request for Reconsideration

Please use this form for titles owned by the Free Library of New Hope and Solebury.

Return to: Board of Trustees, Free Library of New Hope and Solebury
93 West Ferry Street, New Hope, PA 18938

Material Information

Title

Author

Publisher/Production Company

Copyright date

Format (book, CD, audio book, etc)

Library Patron Information

Name

Library Card Number

Address

City, State Zip

Phone

E-Mail

If complaint is being made on behalf of another person or a group, please list name, address, phone number:

Have you read/viewed/listened to the material in its entirety?

YES _____

NO _____

Reason for Reconsideration (use other side or attach additional sheets if necessary)

Action you would like to see taken

Appendix A

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948, by the ALA Council; amended February 2, 1961; amended June 28, 1967; amended January 23, 1980; inclusion of "age" reaffirmed January 24, 1996.

Appendix B

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe

that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

American Library Association
Association of American Publishers

Subsequently endorsed by:

American Booksellers Foundation for Free Expression
The Association of American University Presses, Inc.
The Children's Book Council
Freedom to Read Foundation
National Association of College Stores
National Coalition Against Censorship
National Council of Teachers of English
The Thomas Jefferson Center for the Protection of Free Expression

Appendix C

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the **First Amendment to the Constitution of the United States**. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

Free Library of New Hope and Solebury

Management Policy

Statistics and Reports

Policy Statement

The Free Library of New Hope and Solebury collects statistics and creates reports in order to evaluate library usage, plan effectively for the future, and provide information to the public, granting agencies, and local and state government. This information allows the library to chart progress towards its goals, identify needs, and secure funding.

Regulations

Preparation of reports is the responsibility of the Library Director. Financial data are provided by the Treasurer. Data developed from the integrated library system database are provided by District/Consortium Information Technology staff. Data on library programs are developed by the Library Director.

The Library Director prepares a monthly report for the Board of Trustees and District Consultant; an annual report for the Commonwealth of Pennsylvania (required by law); annual reports for New Hope Borough Council and the Solebury Township Board of Supervisors (required by intergovernmental agreement); and various other ad hoc reports as requested by the Board of Trustees, governmental authorities, and granting agencies. Data elements for each report are established by the requesting agency.

Statistical reports may also be prepared for the public as needed. Data elements for these reports will be established by agreement of the Library Director and Board of Trustees.

The library is required by law to have an annual financial review and an audit which is completed every three years. The Treasurer will select the outside agency to complete these financial reports and ensure that the necessary data is provided by the bookkeeper.

Free Library of New Hope and Solebury

Management Policy

Petty Cash

Policy Statement

The Free Library of New Hope and Solebury maintains a supply of petty cash in order to be able to make change for library patrons and fund small purchases.

Regulations

The Treasurer of the Board of Trustees establishes procedures for the proper handling of petty cash.

Procedures

During library hours a supply of petty cash not to exceed \$50 will be kept in the drawer of the circulation desk. If the amount in the drawer exceeds \$50, the excess amount will be moved to a secure location. If insufficient change is in the drawer, staff will bring additional money to the desk from the secure location.

All payments made from petty cash are recorded. Disbursements are detailed on forms which are signed by the library staff member authorizing the disbursement. Each form will be attached to a receipt detailing the expenditure. If no receipt is available, a second staff member or the Treasurer must countersign the form.

The intent of petty cash is to disperse cash for small expenditures normally \$50 or less. Volunteers and staff should be encouraged to use the normal payment process of check requests since there is more control and records in these transactions. On occasion petty cash will be used to authorize payments for larger amounts with the following authorization schedule.

The Library Director or the Treasurer may individually authorize a petty cash disbursement up to \$100. The Library Director and Treasurer together may authorize a petty cash disbursement of up to \$200.

Fines received and entered into the petty cash supply are recorded through the integrated library system. A report is generated daily and printed for the bookkeeper. Other funds

generated by the library and entered into the petty cash supply are recorded on a tally sheet which is provided to the bookkeeper weekly.

Excess petty cash is delivered to the bookkeeper weekly. The excess petty cash should never be more than \$500. If there is an excess amount the bookkeeper or the treasurer should be contacted so a special pick-up can be arranged.

Petty cash is reconciled weekly.

Additional temporary petty cash funds may be established by the Treasurer on an as-needed basis. These funds will be maintained for no longer than two weeks. When use of the special fund is complete, the fund will be reconciled by the bookkeeper.

The handling of petty cash will be reviewed as part of the audit performed every third year.

Free Library of New Hope and Solebury

Management Policy

Accounting

Policy Statement

The Free Library of New Hope and Solebury defines accounting procedures to ensure that financial assets of the library are safeguarded.

Regulations

The Treasurer of the Board of Trustees recommends accounting policy to the Board of Trustees. Policies are enacted by the Board as a whole.

Disbursements of money made on a regular, recurring basis (e.g. payment of monthly bills) are prepared by the bookkeeper and authorized by the treasurer. Except in cases of emergency, any unusual disbursement of money over the amount of \$200 must be approved by the Board of Trustees as a whole. In the event of an emergency the President and Treasurer acting together, or either officer acting with a majority of the Board members who can be reached immediately, may authorize the necessary disbursement.

The Treasurer of the Board of Trustees establishes accounting procedures in accordance with best practices and ensures that policies and procedures are followed. Financial policies and procedures will receive outside oversight in the annual financial review and the once-every-three-years audit.

Free Library of New Hope and Solebury

Management Policy

Fundraising and Donations

Policy Statement

The Free Library of New Hope and Solebury needs money to survive and continue to offer services to the public. Fundraising and solicitation of donations are crucial to the library's financial health.

Definitions

"Fundraising" is defined for this policy as any effort to gather money through means other than the provision of library services. A "donation" is defined for this policy as a gift of money, tangible material, or services.

Regulations

Fundraising

Organized fundraising campaigns are planned and managed by the Board of Trustees. The Board determines how funds will be solicited, acknowledged, invested and spent.

Donations

The library accepts and actively solicits donations of cash and checks. The Treasurer of the Board of Trustees establishes procedures for proper handling of monetary donations. Monetary donations will be acknowledged in writing within one month. The Board of Trustees will establish procedures for acknowledgement of monetary donations.

The Board of Trustees determines whether funds restricted for particular purposes can be accepted.

The library accepts donations of equipment and furniture at the discretion of the Library Director. The Director is responsible for acknowledging donations of equipment and furniture.