

Mastics-Moriches-Shirley Community Library

Patron and Employee Privacy Policy

The MMSCL is committed to protecting employee and patron privacy, while ensuring compliance with federal and State law. This policy establishes procedures for Library staff to follow if law enforcement agencies (including federal immigration enforcement agencies) or other law enforcement individuals (hereafter, “officers/agents”) enter the Library or request patron or employee information in the Library’s possession. This policy also applies to employees or patrons requesting information about a current or past staff member.

1. Confidentiality of Patron Records

- a. The Library will not disclose any patron records or Library user information regarding its patrons unless required to do so pursuant to a valid judicial order, subpoena, or warrant, or if compelled to do so by a federal or State law requiring disclosure of the information to a third party.
- b. All agent/officer requests for patron records or Library user information must be referred to the Library Director. If the Library Director is unavailable, the request should be directed to the Assistant Director or, if neither is available, the Librarian in Charge.
 - i. The Library Director, Assistant Director, or Librarian in Charge (as applicable; hereafter “Library Director/designee”) will ask whether the agent/officer has a subpoena, court order or warrant authorizing the Library to provide access to the individuals’ records.
 1. If no court order, subpoena or warrant is presented:
 - a. The Library Director/designee should politely explain that the Library will not respond to informal requests for confidential information in the absence of a valid court order.
 2. If a subpoena is presented:
 - a. Accept the subpoena and inform the agent(s)/officer(s) that the Library’s legal counsel responds to subpoenas on behalf of the Library, as a subpoena does not require an immediate response from the Library.
 - b. The Library Director/designee will work with legal counsel to respond to the subpoena appropriately.

3. If a warrant is presented:

- a. The Library Director/designee will immediately seek the assistance of legal counsel.
- b. As a search warrant may be executed immediately, request that the Library's legal counsel be present before the search begins.
- c. If the agent(s)/officer(s) refuse to delay the search, the Library Director/designee will examine the warrant and any attached documentation to verify that it is (1) signed by a judge; (2) issued by a local, State or federal court in New York State; and (3) is current and not expired.
- d. The Library Director/designee will not agree to any additional searches or provide information about the items/records that are not the subject of the warrant.
- e. The Library Director/designee will request to provide copies of the materials/records that are the subject of the warrant, either to provide to the agent(s)/officer(s) or, in the alternative, to keep for the Library's records.
- f. The Library Director/designee will an inventory of all items seized from the Library, and request that an agent/officer sign an inventory receipt containing a list of the specific items seized.

2. Confidentiality of Employee Records

- a. Library employee information including, but not limited to, as addresses, phone numbers, personal details, marital status, health information and work schedules, are generally kept confidential and not shared with the public or other staff members, unless otherwise required by law.

This information may, however, also be shared if the Library Director deems it is necessary for work, the employee consents, or doing so is required pursuant to a lawfully-issued subpoena, warrant, or court order.

3. Procedures for Responding to Law Enforcement Agents

If immigration agents or other law enforcement enter the Library requesting information, Library staff will:

- a. Immediately inform the Library Director/designee and inform the agent/officer that Library policy requires staff to refer the agent/officer to the Library Director/designee.
- b. Ask the agent/officer for their name, badge number, contact information, and the purpose of their visit. This information should be written down and saved in a secure location.
- c. Ask for, and make a copy of, any legal documentation (*e.g.*, warrant, subpoena, or court order) in the agent's/officer's possession.

Immigration Agent Access to Library Facilities:

- a. Public Areas - defined as any areas within the Library that are accessible to the general public, including any outdoor spaces on Library property.
- b. Non-Public Areas - defined as any areas that the general public may not enter without permission including, but not limited to, staff offices, areas behind the desk(s), custodial areas, other staff areas and break rooms, maintenance areas, storage closets; *etc.*
- c. Immigration Agent Access
 - i. Immigration Agent Access to Public Areas
 1. Immigration Agents may enter areas open to the public and are allowed to question people present in those locations and to conduct inquiries pursuant to 8 U.S. Code § 1357.
 2. In the event that agent(s)/officer(s) enter the Library and remain in public areas, Library staff will not impede their access or interfere with their visit. However, if an agent/officer is disruptive in violation of the Library's Code of Conduct, Library staff may request that the disruptive behavior be discontinued.
 - ii. Immigration Agent Access to Non-Public Areas
 1. Immigration Agents may not enter these areas unless they provide a valid judicial warrant, subpoena or court order, signed by a judge or judicial

neutral magistrate.

2. If agent(s)/officer(s) wish to enter areas which are not open to the public, the Library Director/designee should ask whether the agent/officer has a valid subpoena, court order or warrant.
 - a. If the agent(s)/officer(s) DO NOT have a valid subpoena, court order or warrant, the Library Director/designee should explain that the agent(s)/officer(s) do not have permission to enter non-public area(s) without the above-listed valid documentation.
 - b. If the agent(s)/officer(s) DO have a valid subpoena, court order or warrant, the Library Director/designee will ask to examine the document, make a copy of the document, and request that legal counsel review the document prior to granting access to the area(s).
 - i. Whenever possible, any documents presented by agent(s)/officer(s) should be reviewed by legal counsel *before* non-public areas are made accessible.

Claims of Need for Emergency or Immediate Action

1. If an agent/officer presents a warrant, subpoena or order that requires immediate action due to exigent circumstances or makes a claim that they are not in need of a warrant or subpoena due to exigent circumstances, the Library Director/designee must immediately contact the Library's counsel for compliance purposes.

Non-Interference:

1. Library staff will not physically interfere with any agent/officer conducting any enforcement action, search or seizure. This includes assisting individual(s) in escaping or hiding, including use of staff-only exits.