

Some quick responses from the NMSU Library to the document "What to ask your librarian about the U.S.A. PATRIOT Act?"

1. What are the library's procedures for protecting confidentiality of records or books or articles checked out and web sites visited?

Access to the Online Catalog's "user information" feature (allows library users to display items they have checked out, renew materials, and view any fines and fees they may owe) is restricted by that individual's unique patron barcode. Circulation records are also restricted to specific staff members, who are trained to protect the confidentiality of those records and may access them only in the direct performance of their work with that user. There is no method of tracking individual searches for articles or web searches. The Library keeps general statistics on the number of people searching a particular database or visiting a specific Library web site as a means of evaluating usage, but none of these searches can be tracked to specific individuals.

2. How does the library use caches of Internet sites visited, and word processing usage?

The NMSU Library doesn't check either of these. All public workstations are re-booted each morning and our security software clears all previous cache data as well as any other temporarily stored documents or software packages that a user may have downloaded to the computer they were using. This method is used to restore our desktop settings, but it has the added benefit of removing any information a user may have inadvertently left behind.

3. How long are patron book check out records kept on file once books are returned?

Circulation records are no longer kept in paper format so there is no need to shred them. All of our circulation data is automated.

4. How confidential is the library's patron database?

a. A patron-friendly policy is erasure of Online Internet caches upon log out, and erasure of word processing and other login records at end of business days or within 48 hours.

See response to #2, which speaks to part A (erasure of caches and word processing). Please note, though, that this doesn't really have anything to do with a library-maintained patron database since the NMSU Library does not maintain databases of user word processing and/or web searching activity.

b. A patron-friendly policy is shredding patron records once books are returned and outstanding fines paid.

See response to #3. We don't shred records because we don't maintain paper circulation records. As is the case with many libraries, the all of our circulation data is automated.

5. Do University library employees sign confidentiality agreements with regard to disclosure of patron records?

No, however, NMSU library staff adhere to the principles outlined in the Library Bill of Rights, as well as the American Library Association documents concerning confidentiality of personally identifiable information about library users.

6. Have you received training on implications of the USA PATRIOT Act for librarians?

Several staff members have attended training sessions on this topic in conjunction with professional meetings and conferences, however, more needs to be done. The NMSU Library has identified this as a topic on which we will develop a training program for library staff in the coming year (NMSU Library Strategic Directions 2003-4).

7. How many subpoena requests about patrons has this library received from the FBI, INS, or police?

This question would need to be referred to General Counsel.

8. Does the library cooperate with voluntary requests by FBI, INS, or Policy to see patron records?

This question would need to be referred to General Counsel.

9. The USA PATRIOT Act (Sect. 215) prohibits library workers from disclosing the specifics of requests about a patron. Do you believe this is a violation of the First Amendment of the U.S. Constitution.

The NMSU Library holds in confidence information about library users and their records to the extent permitted by law. It is true that the Library is prohibited from notifying library users of requests made by federal authorities. Any law-enforcement requests for information about users or their records are forwarded to the University's General Counsel where any further course of action is determined. The Library will comply with the law under the advice of General Counsel.

10. Does the library mail server keep a record of staff and patron communication? If yes, are staff and patrons informed that such data can be subpoenaed in a search and seizure?

Email may be considered a matter of public record at many state institutions, including NMSU. Information & Communication Technologies (ICT) addresses this somewhat in their General Usage Policy document (available: <http://ict.nmsu.edu/Guidelines/general.use.html>). It is more difficult to address the matter of communication between patrons and staff since it may occur in different formats. Library staff are instructed that anything in their NMSU email accounts may be considered a part of the public record and to use those accounts with that in mind.

11. Does this library use surveillance cameras? If yes, how long are the tapes retained?

The NMSU Library does not use surveillance cameras.

12. Once a search of library collections is conducted and completed, does your software retain a copy of the search? If yes, for how long?

Backups of the Voyager (Online Catalog) database are retained in order to minimize data loss in the event of a system failure. However, none of the searches can be traced to individual users. There is no method of tracking an individual's searches for articles or web searches.