

SUNDERLAND PUBLIC LIBRARY
TWENTY SCHOOL STREET
SUNDERLAND, MA 01375
413-665-2642
413-665-1435 (FAX)

USA PATRIOT Act Policy

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) was enacted on October 26, 2001. After the events of September 11, 2001, this Act was established to allow the Federal Bureau of Investigation (FBI) to apply for a court order which could require a Library Director to supply the FBI with a patron's records (including Internet use and circulation records).

The Sunderland Public Library does not keep a permanent record of the Internet sites visited by a patron or of the searches performed. Registration and circulation records are not public information. Under Massachusetts law, G.L. c. 78, sec. 7, the intellectual and recreational pursuits of our patrons are considered confidential information regardless of age of the patron. However, as enforced by the provisions of the USA Patriot Act, these records will be made available upon receipt of a federally issued subpoena or search warrant.

Sunderland Public Library employees will comply with law enforcement when supplied with a legal subpoena or search warrant. Such requests will always be in writing. The library will keep record of all legal requests.

SUBPOENA

If law enforcement presents a subpoena, frontline Staff should direct that person to the Library Director. In the case where the Library Director cannot be reached, the frontline staff should inform the federal agent that the Library Director is not currently available but that he/she would ensure that the Library Director receives the subpoena.

The Library Director will photocopy the identification of the law enforcement official and direct the subpoena to Town Counsel (Kopelman and Paige, 413-585-8632). Town Counsel will advise the Library Director how best to proceed.

SEARCH WARRANT

A search warrant is executable immediately. Library Staff presented with a search warrant should not interfere with the search and seizure. Frontline Staff should immediately contact the Library Director, and only if the Library Director is not available, he/she should immediately contact the Sunderland Town Administrator (i.e. the Library Director's designee) at 665-1441.

The Library Director (or the Sunderland Town Administrator) will photocopy the identification of the law enforcement official. The Library Director (or the Sunderland Town Administrator) will ask for time to consult Town Counsel before complying with the request. Whether or not the additional time is granted, the Library Director (or the Sunderland Town Administrator) will contact Town Counsel (Kopelman and Paige, 413-585-8632) in order to ask that they be on-site during the search. Requests for C/W MARS circulation, registration or usage records will

be referred to the Executive Director of C/W MARS, located in Paxton, Massachusetts (1-800-456-6277x33).

GAG ORDER

Under penalty of law (including fines or imprisonment), library Staff must not disclose to any other person (including co-workers, library Trustees, the Town's governing authority and the patron who is the subject of the court order) other than Town Counsel that the FBI has retained records pursuant to the Act.

PRESS STATEMENTS

If library Staff is questioned regarding the presentation of court orders to the Sunderland Public Library, the library Staff's response will always be "no comment."