

Confidentiality Policy

Refer to this page for the Drake Law Library Confidentiality Policy.

I. Confidentiality of Circulation Records and Internet Use Policy

The Drake Law Library recognizes that its circulation records and other records identifying the names of library users with specific materials and/or internet use are confidential in nature.

No such confidential information shall be made available to any individual or office of the university, agency of state, federal or local government, or to any individual not specifically authorized by the director of the Law Library for legitimate business purposes, except where the person whose confidential information is to be released consents or pursuant to such process, order, warrant, or subpoena as may be authorized under the authority of and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigating power.

A. Notice Regarding USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA PATRIOT Act") was passed by Congress on Oct. 26, 2001.

Although confidential library records have always been subject to disclosure pursuant to lawful process, the USA PATRIOT Act expands the authority of local, state, and federal law enforcement to gain access to educational and library records, including stored electronic data and communications.

The Law Library provides internet access at workstations located on all floors of the facility and through a wireless network. The USA PATRIOT Act also expands the ways in which law enforcement officials may track internet usage and conduct computer network surveillance.

B. Procedure for Compliance with Requests for Confidential Information

When the Law Library receives an order, warrant, subpoena, or other request for confidential information or surveillance, the request will not be handled by

student or temporary staff. The request will be referred to the director of the Law Library or, in his or her absence, the acting assistant director.

The director shall request a copy of the document specifying what records are requested and will comply with any and all requests in a timely manner. The director may consult with legal counsel prior to the release of information.

Any request for confidential library information received after the close of normal university business hours on Monday through Thursday will be referred to the reference librarian on duty. The reference librarian shall request a copy of the document specifying what records are requested and will comply with any and all requests in a timely manner. The librarian may consult with legal counsel prior to the release of information.

On weekends, legal holidays, or other times outside of normal university business hours when a reference librarian is not on duty, any request for confidential library information will be referred to the director of the Law Library. The desk supervisor on duty will telephone the director to notify him/her of the request.

If the director is unavailable, the desk supervisor will telephone the acting assistant director. The director or acting assistant director shall request a copy of the document specifying what records are requested and will comply with any and all requests in a timely manner. The director may consult with legal counsel prior to the release of information.

The Law Library will document all costs incurred in complying with a records request. If the costs of providing the requested information are more than a nominal amount, the Law Library will document, and request reimbursement for, the expenses incurred in complying with the request.

The failure of the requesting party to pay such expenses, however, will not be used as a reason for the Law Library to refuse to comply with any request unless a statute, court order, or regulation requires reimbursement of expenses prior to compliance with the request.

The Law Library will inform the person whose confidential information has been requested or obtained, unless doing so would violate any statute, court order, warrant, or subpoena.

If the Law Library provides information to the government pursuant to a USA PATRIOT Act request, the Law Library cannot notify anyone, including the person whose confidential information is being provided. The same is true if a

non-USA PATRIOT Act warrant, subpoena, or other process forbids the Law Library to disclose any information about the request.

The Law Library cannot disclose to third parties the fact that confidential information has been requested or obtained on an individual unless the individual consents or the Law Library is compelled to make the disclosure by order, warrant, subpoena, or other process.

The Law Library reserves the right to voluntarily disclose any circulation records to any person or entity where the director of the Law Library reasonably believes that an emergency involving immediate danger of death or serious injury justifies the disclosure.

C. Computer Trespassers

Law enforcement or federal agency surveillance or tracking of computer networks or internet use may be authorized by a designated officer of the Law Library, without a warrant or court order, when the target of the surveillance is a computer trespasser.

A computer trespasser is a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer. A person who has an existing contractual relationship with the owner or operator of the computer for access to all or part of the protected computer is not a computer trespasser.

For information on the University's policies for computer use and ethics, see Appendix C to the Code of Student Conduct found in the [Drake University Student Handbook](#).

Additional provisions regarding the privacy of student records and access to student records can be found in the Drake University Student Handbook, Part II, under the heading "RIGHT TO PRIVACY ACT."