

# Confidentiality Agreement\*

## Introduction

Hudson Area Association Library is an independent nonprofit corporation. To carry out its mission, the Hudson Area Association maintains important relationships with various organizations and individuals including, government agencies, corporate and community leaders, individual donors and volunteers. It is incumbent upon the Hudson Area Association Library to foster strong relationships with these organizations and individuals, while maintaining the highest standards of ethical and professional practice.

It is expected that volunteers and employees of Hudson Area Association Library will operate in a manner that is in the best interests of the Hudson Area Association Library, its services and patrons. To this end, the Hudson Area Association Library has articulated a *Confidentiality Agreement* and *Conflict of Interest Statement* for all employees and volunteers, including Board and committee members.

## Confidentiality

It is the policy of the Hudson Area Association Library that Board and committee members, employees and volunteers may not disclose, divulge, or make accessible confidential information belonging to, or obtained through affiliation with the Hudson Area Association Library to any person other than those who have a legitimate need for such information and to whom the Hudson Area Association Library, through its Executive Director, has authorized disclosure. This prohibition includes disclosure to relatives, friends, business and professional associates; to donors, volunteers, vendors and contract holders of the Hudson Area Association Library, and to appointing bodies.

Board and committee members, employees and volunteers shall use confidential information solely for the purpose of performing services related to the Hudson Area Association Library. This policy is not intended to prevent disclosure where disclosure is required by law.

Board and committee members, employees and volunteers must exercise good judgment and care at all times to avoid unauthorized or improper disclosures of confidential information.

- Conversations in public places should be limited to matters that do not pertain to information of a sensitive or confidential nature.
- Those involved with the Hudson Area Association Library should be sensitive to the risk of inadvertent disclosure and should, for example, refrain from leaving confidential information on desks or otherwise in plain view, refrain from the use of speaker phones to discuss confidential information if the conversation could be heard by unauthorized persons, and be wary of the use of e-mail in the transmittal of confidential information.

All patron information, Board and management work – including but not limited to strategic and operating reports and plans, finances, correspondence, work of committees and task forces – shall be considered confidential and shall not be discussed with any individual or organization until the Board – or its designated representative the Executive Director – determines that such information is public.

No individual associated with the Hudson Area Association Library shall divulge the contents of or make copies and/or distribute any information related to the Hudson Area Association Library, its management, governance, patrons, or services unless such information is clearly designated as public.

Special rules concerning library confidentiality are summarized below and must be followed by all staff, board members, and volunteers:

- CONFIDENTIALITY OF LIBRARY RECORDS - New York State Civil Practice Law & Rules 4509, Chapter 112, Laws of 1988:  
Library records: Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.
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- Explanation:
- The New York State Confidentiality Law protects the privacy rights of library users. This law prohibits the release of any information relating the name of a person and his/her library use without a properly executed subpoena from a court of law. Under this law, librarians, staff, volunteers, and board members cannot:
  - Tell a third party whether a person has a library card
  - Write the name of a borrower on a book card which is placed in the book
  - Tell a parent what his/her child has borrowed, even if it is overdue
  - Send a reserve notice or overdue reminder on a postcard
  - Reveal the nature of someone's reference question to another personThis law makes it quite clear that a person's library use habits are strictly private; there are no exceptions for children or anyone else. It applies to every library in the state, without exception. All library personnel should be aware of this.

At the end of an individual's relationship with the Hudson Area Association Library, s/he shall return all documents, papers, and other materials – regardless of the medium –, which may contain or be derived from confidential information.

It is understood that violation of any clause of this *Confidentiality Agreement* is cause for immediate dismissal from any position with the Hudson Area Association Library.