

What else is in the Act?

The Act is lengthy and has changed over 15 sections of the US Code. Besides libraries, there have been changes to the laws that govern banking, immigration, communication, business (including bookstores), as well as new penalties for terrorism. Some of these changes may affect you, and others may not. The full text of the Act, along with detailed summaries and brief overviews, are available on the Internet. Ask a librarian for assistance or go to <http://www.ala.org/ala/oif/ifissues/usapatriotact.htm> for links to this information.

Will the Act expire?

Parts of the Act, including Section 215 that impacts library privacy, had "sunset" provisions that were set to expire on 31 December 2005. Along with one other section, Section 215 was reauthorized through 31 December 2009 and will expire at that time unless the Congress votes to extend them. The rest of the Act, including Section 505, is permanent and would have to be repealed by the Congress.

What are the penalties for defying the USA PATRIOT Act?

If a librarian does not comply with an FBI search warrant issued under Section 215, he or she may be charged with contempt of court, although no specific penalty is spelled out. However, a prison term of up to five years may be imposed if a "gag order" related to a Section 505 investigation is violated.

The Department of Justice
Washington, D.C. 20530
oversees the USA PATRIOT Act.

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WHAT YOU SHOULD KNOW ABOUT THE USA PATRIOT ACT



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The USA PATRIOT Act

The USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism; hereafter “the Act”) was signed into law on 26 October 2001 and re-authorized on 9 March 2006. This brochure will address common questions about the Act as it applies to libraries and their patrons, as well as provide suggestions for further reading about privacy and the Act.

How does the Act affect my library?

The Act, particularly Sections 215 & 505, does a number of things related to libraries. It:

- lowers the legal standard for obtaining a search warrant from “probable cause” that a crime is being committed to “reasonable grounds” that the library information is “relevant” to an authorized terrorist or intelligence investigation (Section 215);
- allows the FBI to get a special search warrant from the Foreign Intelligence Surveillance Act (FISA) court, whose proceedings are classified and closed to the public (Section 215);
- permits the FBI to use special search warrants to retrieve library usage records of someone who is under investigation of involvement in suspicious activities (Section 215);
- overrides state and local privacy laws in the case of FISA search warrants (Section 215);
- prohibits the library from notifying the patron under suspicion, the press, or anyone else that an investigation is underway [note: as part of the reauthorization of the Act, this prohibition may now be challenged in court one year after the warrant’s issuance] (Section 215);
- under special circumstances, allows the FBI to take records related to Internet usage without a warrant (Section 505).

What kind of information can be requested from this library?

The FBI can retrieve any information about you that the library has. This may include, but is not limited to:

- books & other materials you’ve checked out;
- searches you’ve done on the library computers, including places you’ve visited on the Internet;
- books & other materials you’ve borrowed through interlibrary loan;
- when & where you’ve signed up to use library computers, study rooms, etc.;
- notes taken by librarians when helping you with a question.

Why does the library need to keep records that might be used by the FBI?

The library keeps records in order to better manage library resources. For example, the library needs to track who has borrowed books and other materials so they know whom to contact if something doesn’t come back. Internet browsers are designed to keep track of what you’re doing, so it takes a special effort by libraries to remove that information. Other records like sign-up sheets for study rooms are necessary for scheduling but aren’t needed after statistics are gathered.

What is this library doing to safeguard your privacy?

It is the policy of the Worcester Public Library to collect only the minimum personal information necessary to provide effective services for our users. Authorized library staff may access personal data only for the purpose of performing library work. The library will not disclose any personal data collected from users, except as is allowable by state and federal statute or by permission of the user. Original data, paper or electronic, identifying individual users will be destroyed once statistical information is compiled. Reports will be compiled and data destroyed without delay.

To find out about the library’s Privacy Policy, ask your librarian or check the library’s website at
<http://www.worcpublib.org/>.

Massachusetts has a privacy law for library records. Does it protect you from the Act?

While Massachusetts has a Confidentiality of Library Users’ Records (MGL, Ch. 180 Acts of 1988), in the case of FBI search warrants issued under the USA PATRIOT Act, this privacy law does not apply. However, the state law is still in effect for other investigations that are not being performed under the authority of the USA PATRIOT Act.