

West Hartford Public Library

POLICY MANUAL

Revision adopted by the Library Board, July 27, 2020

Title: Photography/Video & Film Recording Policy

To avoid disruptions to library services, safety, and for the purpose of maintaining the privacy of its patrons, and as a reasonable exercise of its authority, the WHPL declares that as a non-public forum or as a limited public forum in certain areas, any use of photography, video or film recording beyond typical library uses is prohibited. This policy extends to photographs and filming by library staff at library booths and programs at public events in the community such as Celebrate! West Hartford.

LIBRARY USES: WHPL or Town employees or their representatives may take photographs or make video recordings within the library and at library-related events and activities for library and/or Town purposes. These may be copied, displayed, published (including on any library or Town web presence), or streamed for such purposes as promotion, publicity, and news to inform the public about the library or Town. All such photography or recording will be in accordance with library procedures. If individuals do not wish to have a picture or video or film recording of them or their child, a library staff member should be informed prior to the event.

INDIVIDUAL USES: Requests by individuals other than WHPL or Town employees or their representatives to take photographs or videos of WHPL facilities or collections shall be provided in advance to the Director who shall approve or disapprove the request. Photographing or filming of library patrons without their permission is prohibited. The WHPL staff should report any complaints by a patron concerning violations of a patron's rights to the police.

COMMERCIAL AND COMMUNITY USES: Commercial photography, video, or any other recording on library property is prohibited. Any exception requires written permission from the Library Director.

Community groups holding scheduled events or meetings in library space such as study areas or meeting rooms may arrange for their own photography or video or film recording of their event, restricted to the space reserved by the group. Each group is responsible for obtaining any releases or permissions as the group may require.

Background:

"Nothing in [United States] Constitution requires the Government freely to grant access to all who wish to exercise their right to free speech on every type of government property without regard to nature of property or to disruption that might be caused by speaker's activities."¹ The First Amendment does not guarantee access to property simply because it is owned or controlled by the Government.² Generally, libraries are nonpublic fora and may regulate speech in a nondiscriminatory manner.³

Consistent with the American Library Association ("ALA") privacy policy, and as stated in the *Library Bill of Rights, Article VII*, "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use." The ALA adds that privacy is crucial to the full enjoyment of a

¹ *Cornelius v. NAACP Legal Defense and Educational Fund, Inc.*, 473 U.S. 788, 799 – 800 (1985).

² *United States Postal Service v. Council of Greenburgh Civic Ass'ns*, 453 U.S. 114, 129 (1981).

³ *San Antonio Firefighters' Ass'n, Local 624 v. City of San Antonio*, 404 F. Supp. 3d 1045, 1059 (WD Tx, SA, 2019).

library because it allows patrons to consider materials without fear or embarrassment or judgment. C.G.S. § 11-25(b)(1) requires that patron records be kept confidential from all but library staff.