

## **CONFIDENTIALITY OF LIBRARY RECORDS**

### **PURPOSE:**

It is the policy of the Board of Trustees of the Itasca Community Library (ICL) to insure the privacy of the users of its services and to consider any library records to be confidential in nature.

### **SCOPE:**

It is the policy of the Board of Trustees that all records pertaining to the use of ICL including, but not limited to, patron registration, circulation, program signup, meeting room and computer records, shall remain confidential. No employee, volunteer or trustee shall make information regarding the use of the library's materials, equipment or facilities available to any third party.

### **PROVISIONS:**

#### **A. Library Records Confidentiality Act (75 ILCS 70/1)**

The Library Records Confidentiality Act governs the release of circulation and patron registration information. The provisions of the Act are incorporated into this policy in their entirety.

Sec. 1. (a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

(1) required to do so under a court order; or

(2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

(b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

**B. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA Patriot Act")**

Section 215 of the USA Patriot Act, Access to Records Under Foreign Intelligence Security Act (FISA), allows an FBI agent to obtain a search warrant for "any tangible thing," which can include books, records, papers, floppy disks, data tapes, and computers with hard drives; permits the FBI to compel production of library circulation records, Internet use records, and registration information stored in any medium; and provides that libraries or librarians served with a search warrant issued under FISA rules may not disclose, under penalty of law, the existence of the warrant or the fact that records were produced as a result of the warrant. Staff shall adhere to the provisions of Section III-C of this policy when disclosing information to an FBI agent in response to a search warrant issued under the terms of the USA Patriot Act

**C. Disclosure of Confidential Information**

1. Except as provided for in this Section, no information regarding a patron's use of the library may be disclosed to anyone other than the patron.

2. In the case of registration and circulation records, "patron" shall be defined as the individual who has signed for the library card.

3. In the case of a minor patron (cardholder under the age of 18), the parent or guardian who signed for the child's card may be given information regarding the child's record including, but not limited to items checked out or overdue and any fines owed.

4. Library staff may disclose information to law enforcement officers when staff members have knowledge of the name and description of a person who has committed, is committing, or threatens to commit a crime affecting library staff, patrons, trustees or library property. The requesting officer is required to complete the Officer's Request for Confidential Library Information form.

5. ICL card holders are eligible to apply for reciprocal borrowing privileges at other public libraries in Illinois. When a patron applies for reciprocal borrowing privileges at

another public library, ICL reserves the right to verify to that library that the patron holds a valid card and that the card is or is not in good standing.

6. ICL will honor a court order issued under the terms of the Library Records Confidentiality Act or the USA Patriot Act subject to the following procedures:

a. Any employee who receives a request for library records shall ask for the identification of the person making the request and then immediately refer the agent or officer to the Library Director or, in the absence of the Library Director, to the person-in-charge of the building.

b. The Library Director or person-in-charge should attempt to contact library counsel and to have library counsel present. In the event that library counsel is not available, the Library Director or person-in-charge should meet with the agent with another library staff member in attendance.

c. If the agent or officer does not have a court order compelling the production of records, the Library Director or person-in charge should explain the library's confidentiality policy and the state's confidentiality law and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented.

d. If the officer is claiming to need information as a result of an emergency, believing there is imminent danger of physical harm, and it is impractical to secure a court order for the Confidentiality of Library Records the Library Director or person-in charge may provide information that is limited to identifying a suspect, witness, or victim of a crime. In this case, the Library Director or person-in-charge will need to fill out and get the officer's signature on the Officer's Request for Confidential Library Information form.

e. If the court order is in the form of a subpoena, library counsel shall examine the subpoena for any legal defect, including the manner in which it was served on the library, the breadth of its request, its form, or any insufficient showing of good cause made to a court before any records are produced.

f. If the court order is in the form of a search warrant, the agent or officer may legally begin the search of library records as soon as the Library Director or person-in-charge is served with the court's order. However, the Library Director or person-in charge should ask to have counsel present before the search begins in order to allow the library's counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant.

g. If the court order is a search warrant issued under the Foreign Intelligence Security Act, no information regarding the existence of the search warrant or of the records that have been produced pursuant to the warrant shall be disclosed to any other party, including the patron whose records is the subject of the search warrant. The Library

Director or person-in-charge does have the right to and shall seek legal advice concerning the warrant from the library's legal counsel and shall request that the library's legal counsel be present during the actual search and execution of the warrant.

#### **D. Web Site Privacy Statement**

1. ICL shall not share or sell web site information with any third party except as required pursuant to the provisions of a valid court order.

2. In order to improve the usefulness of the ICL web site for visitors, anonymous statistical information is collected from usage reports that concern network traffic flow and volume. The information collected may consist of:

a. the domain name and IP address of the visitor enabling ICL to troubleshoot issues with the server and to compile statistical reports.

b. the browser being used so that staff may better design the web site to take full advantage of browser capabilities.

c. the default language set on browsers.

d. usage patterns, allowing staff to see what options need to move closer to the top to enable users to get information as quickly as possible.

3. To use ICL's databases remotely (from outside the Library), users must provide their ICL card number, ensuring that Itasca taxpayers are the only ones benefiting from this information and service. Some database vendors may require patrons to login with a unique username and password. In these instances, the patron is responsible for agreeing to the terms and conditions set forth by the vendor.

#### **E. Public Access Computers**

ICL attempts to maintain strict security on public access computers to prevent any personal information from being retained after a workstation has been rebooted. However, patrons should be aware that the library cannot guarantee that every task completed on a public access computer is private.

**Itasca Community Library**  
**Law Enforcement Officer's Request for Confidential Library Information**

1. This is a request under the Illinois Library Confidentiality Act, 75 ILCS 70/1 for information contained in the library's registration and/or circulation records.
  
2. My request for information is limited to identifying a "suspect, witness or victim of a crime."
  
3. As the basis for this request, I represent the following:  
  
A. I am a sworn law enforcement officer and B. As a result of an emergency where I believe there is imminent danger of physical harm, it is impractical to secure a Court Order for the identification information.
  
4. The information I request relates to the following event (Describe event and information sought)

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Officer's Name (print) \_\_\_\_\_

Officer's Signature \_\_\_\_\_

Officer's Agency/Department \_\_\_\_\_ Badge Number \_\_\_\_\_

Date signed \_\_\_\_\_ Time signed \_\_\_\_\_

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5. Officer's Acknowledgement - I acknowledge receipt from Itasca Community Library of the information I requested.

Officer's Signature \_\_\_\_\_

6. Name(s) & Signatures(s) of staff member assisting with the information requested

Name \_\_\_\_\_

Signature \_\_\_\_\_

Approved 11/20/2018