

## **CONFIDENTIALITY OF LIBRARY RECORDS & USER INFORMATION**

The Board of Library Trustees seeks to protect the privacy and confidentiality of all who use the library. The Board of Trustees respects and supports an individual's fundamental right to open inquiry without scrutiny by others.

### **Right to Privacy**

The library is committed to protecting personally-identifiable information, and therefore, any information gathered is used only to provide or improve library service. Personally-identifiable information will not be disclosed except upon a user's request or consent and only with proof of identity, unless otherwise required by law. Types of personal information collected include, but are not limited to, name, address, telephone number, email address, date of birth, materials currently checked out or requested, overdue materials, and unpaid fees. The library does not sell, lease, or disclose confidential information to outside parties unless required to do so by law, and library vendors providing electronic services to patrons are also required to abide by the library's confidentiality policies.

### **Illinois Library Records Confidentiality Act**

In accordance with the Illinois Library Records Confidentiality Act 75 ILCS 70/1 *et seq.* "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 required to do so under a court order; or ...there is an imminent danger of physical harm". This includes records pertaining to an individual's use of the library and its resources, facilities, and services, such as circulation of library materials, electronic resource searches, interlibrary loan transactions, reference requests, and computer usage.

If a sworn law enforcement officer represents that it is impractical to secure a court order as a result of an emergency where the officer has probable cause to believe that there is an imminent danger of physical harm, the officer may request information regarding identification of a suspect, witness, or victim of a crime without a court order, but the information requested may not include records reflecting materials borrowed, resources reviewed, or services used at the library. In this case, the library may request that the officer sign a statement acknowledging receipt of the information. (75 ILCS 70/1 *et seq.*)

The Illinois Library Records Confidentiality Act 75 ILCS 70/1 *et seq.* does not prohibit the disclosure to law enforcement officials of information about a patron based on personal knowledge (such as a person's name), or information based on personal observation of a person on library property (such as staff observing the person using library computers). However, no information relative to the purpose of the person's use of the library will be given without a court order.

### **USA PATRIOT ACT**

In accordance with Section 215 of the USA PATRIOT ACT, Federal law enforcement officers have the ability to obtain a search warrant to gain access to certain library records on the basis that the officer(s) believe that the records sought may be related to an ongoing investigation related to terrorism or intelligence activities. The Crete Public Library District will cooperate with law enforcement agents as required by Federal laws to allow access to items within the scope of the search warrant while at the same time will seek to protect the rights of patrons in accordance with the Illinois Library Records Confidentiality Act 75 ILCS 70/1 *et seq.*

The PATRIOT ACT also prohibits libraries or librarians served with a search warrant issued under FISA (Foreign Intelligence Surveillance Act) rules from disclosing the existence of the warrant or the fact that records were produced as a result of the warrant to anyone, except the Executive Director or designated alternative, the Library Board President and the library attorney, under penalty of law. A patron cannot be informed that his/her records were given to a federal agent or that the patron is the subject of any federal investigation.

### **Access to Information**

In accordance with the Code of Ethics of the American Library Association Section III, the Crete Public Library District "...protect(s) each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted".

Only records that are essential to conducting the library's business are retained and only as long as necessary to complete its business. For instance, library circulation records are purged upon checkin of materials. The library does not maintain a checkout history for patrons unless they opt in to this service, via the online catalog, with the understanding that those records could then hypothetically be requested by law enforcement. Similarly, records of computer use are only retained long enough to tabulate usage statistics. Search histories are never maintained and are unavailable once patrons logout of library computers.

Other ways the library protects your personal information:

- Avoids keeping unnecessary records.
- Removes the correlation between personal information and materials borrowed once these items are returned (i.e purges circulation records upon checkin of materials).
- Purges and shreds outdated records.
- Has security procedures that protect against loss, destruction, and unauthorized access to patron information.
- Ensures that contracts and agreements with providers of electronic resources reflect our policies and legal obligations.
- Removes from public computers after each user: cookies, search histories, cached files and other records of internet use.
- Avoids collecting personal information from public computer users at the library and library website users.

### **Release of Information**

Proper proof of identity must be provided by a patron before any information about their record or that of their minor child can be released.

The legal custodian of records of the Crete Public Library District is the Executive Director, who is responsible for responding to any request for library records or information about a library user. The Executive Director may designate one or more library employees to serve as persons responsible for responding to any request for library records or information about a library user when the Executive Director is absent or unavailable. No employee can release records without authorization from the Executive Director or their designated alternate. Upon receipt of a request to reveal confidential information, the library's Executive Director may consult with the library's legal counsel to confirm the request complies with the law.

The circulation and registration records of the Crete Public Library District shall not be made

available to any third party nor any law enforcement agency of a local, state or federal government except when a court order (which includes a search warrant) in proper form, issued by a court of competent jurisdiction after a showing of good cause, is presented to the library by the law enforcement agency or person seeking records.

In accordance with 75 ILCS 70/1 *et seq*, if there is no court order, the library may release information contained in library registration or circulation records if all of the following conditions are met:

1. The information is requested by a sworn law enforcement officer who states that it is impractical to get a court order as a result of an emergency situation;
2. The law enforcement officer states that there is probable cause to believe that there is imminent danger that someone will be physically harmed;
3. The information requested is limited to only identifying a suspect, witness, or victim of a crime; and
4. The information does not include any registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library.
5. The Crete Public Library may require the requesting law enforcement officer to sign a form acknowledging the receipt of the information. The Crete Public Library District may seek subsequent judicial review to assess compliance with 75 ILCS 70/1 *et seq*.

### **Education**

The Executive Director is responsible for ensuring that every library employee is provided with a copy of this policy and that they understand the implementation of this policy and its procedures.

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