

Policy 140 / General Policies

Privacy and Confidentiality of Patron-Identifiable Information

As a public library, the Villa Park Public Library is a government institution bound by the United States Constitution. The library's confidentiality policies aim to uphold the First Amendment, which guarantees freedom of speech, of the press, of assembly and association, and the constitutional right to privacy, protecting Library patrons from government intrusion or dissemination of personal information in which patrons have a reasonable expectation of privacy.

The library recognizes its responsibility to protect its patrons' intellectual freedoms by maintaining the confidentiality of all records and information concerning each patron and his or her use of library materials, facilities and services. The Illinois Library Records Confidentiality Act confirms this duty with respect to library registration and circulation records.

The Library Director or Librarians-in-Charge will generally refuse to disclose any patron-identifiable information unless required to do so by a subpoena, court order, warrant or other process appropriate under the circumstances which is properly issued and authorized by federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigatory power.

Only the Library Board of Trustees, the Library Director and Librarians-in-Charge are authorized to disclose any patron-identifiable information under circumstances defined in this policy.

Patron-Identifiable Information

All patron-identifiable information is held strictly confidential to the limits allowed by state and federal law. This includes all records, files, computers and electronic media that might contain such information. Patron-identifiable information refers to a wide range of information kept by the library, but most importantly includes any information that links a patron to use of particular library materials or services, or the patron's choices, taste, interest, or research. More broadly, patron-identifiable information is any information which:

- Refers to a patron by any identifiable characteristic (e.g., by name, address, telephone or other contact numbers, E-mail address, identifying numbers such as patron number, license number or social security number, or by employment information);
- Provides, or could be used to determine, any information about a patron's library use. This means all types of registration and circulation records and anything that contains registration and circulation records, including computers, computer components, disks and other electronic storage media, E-mail, temporary internet files stored in a computer, computer sign-up sheets or other facility-use logs, interlibrary loan requests and records, patron requests to reserve, or obtain certain materials, reference librarian notes pertaining to patron requests or assistance, and correspondence with

patrons; even records which do not include a patron's name, but refer to some other identifiable characteristic, such as the patron's library card number, are patron-identifiable.

Patron-identifiable information does not include statistical records relating to use of the library or its materials and services that cannot be used to identify particular patrons or information concerning behavioral issues in the library's records regarding a patron. Confidentiality of patron-identifiable information is protected by the following procedures:

Staff Members' Responsibilities

Staff will under no circumstances disclose any patron-identifiable information about any patron to the public, the press, or to any government agency, or even to the patron's own family members. Staff should not permit anyone access to, or a view of, any non-public computers, files, or records which might contain patron-identifiable information. Staff may disclose patron-identifiable information only under the following circumstances:

- A patron may have access to any records the library holds about him or her, if the patron presents his or her library card and another form of identification.
- A patron, who under library policy is responsible financially for library materials that are charged to a minor patron's card and which are overdue or lost, may, in writing, request such information that will provide assistance to the patron.
- A caller who provides the name and correlating library card number of a library patron can receive only the following information:
 - The number of items on loan;
 - The reserve-queue status of particular items if the caller provides the titles;
 - The title or subject of a requested item when it becomes available for pick-up; and
 - Outstanding charges on the record.
- To provide the following information to law enforcement officers:
 - the name and description of any person who has committed, is committing, or threatens to commit a crime affecting library staff or members of the Library Board of Trustees, library patrons or users, or library property; and
 - Any other information relevant to the crime to the extent the staff member is a witness to such a crime.

When contacting a patron, patron-identifiable information (such as the title or subject of a requested item available to be picked up) may not be left on an answering machine, voice mail or E-mail to the patron, unless specifically designated by the patron in writing as being the notification method of choice. The

library cannot be responsible to maintain confidentiality in the notification process if these methods are selected by the patron.

The Library Director or the Librarian-in-Charge should be contacted immediately if a staff member:

- Is approached with or learns of any subpoena, court order, warrant or other legal process directed to the library or relating to library property;
- Receives requests for patron-identifiable information;
- Learns that certain patron-identifiable information may pertain to a crime (e.g., finding child pornography on a computer);
- Believes any patron-identifiable information has been improperly disclosed or may be at risk of being improperly disclosed;
- Is unsure whether certain information is patron-identifiable, or whether a certain record or thing could contain patron-identifiable information.

The Patriot Act does not allow disclosure of the search warrant to the public or the person or persons whose records are sought; disclosure may be made to library officials or the library's attorney.

If a staff member is served with a search warrant by properly identified Federal law enforcement (FBI) under the United States Patriot Act with a demand that the warrant be executed immediately:

- The staff member should request that he/she be allowed to consult with the Library Director, the Librarian-in-Charge, any available Library Board member or the Library's attorney before complying.
- The staff member should inform the official that he/she does not intend to be uncooperative and provide a copy of this Policy (available at the Information Desk) to support the request.
- If the staff member is not allowed, or is unable, to obtain assistance from the Director, Librarian-in-Charge, or a Library Board Member, only the precise materials requested in the written warrant should be provided and nothing further.
- Because court action will be involved, a decision to refuse to comply with a search warrant, subpoena or court order must be approved by the Library Board of Trustees.
- Where time allows, in all cases where a search warrant, subpoena or court order is served, decisions regarding release of Patron-identifiable information should be made in consultation with the library's attorney.

Any costs incurred by the library due to compliance with any subpoena, court order, warrant or other process will be charged to the agency seeking it.

This policy is adopted as a corollary to the library's endorsement of ALA Library Bill of Rights and Freedom to Read Statement.

Approved 01/2004

Policy 140: Privacy and Confidentiality of Patron-Identifiable Information

Exhibit A: Employee Acknowledgment

I have read and agree to comply with the Villa Park Public Library's policy on Privacy and Confidentiality of Patron-Identifiable Information. I understand that the patron information I retrieve from the computer is confidential and cannot be given to anyone without a court order.

Date _____

Signature

Printed Name