

## Confidentiality of Library Records

Sherrard Public Library District is committed to protecting the confidentiality of its customers. We believe that privacy is essential to the exercise of free speech, free thought, and free access to information. To that end, the Library minimizes the amount of personally identifiable information that it gathers, and retains information about transactions only as long as it is needed for the efficient operation of the library. Information on customer use of the library is only disclosed under the conditions set forth by Illinois State Statutes 70/1-2, Library Records Confidentiality Act:

(75 ILCS 70/1) (from Ch. 81, par. 1201)

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.

(Source: P.A. 95-40, eff. 1-1-08.)

(75 ILCS 70/2) (from Ch. 81, par. 1202)

Sec. 2. This Act may be cited as the Library Records Confidentiality Act.

## Confidential Information Retention

Sherrard Public Library District shall endeavor to create and maintain only necessary records. The library shall create and follow a schedule for the deletion of personally identifiable information when such information is no longer necessary for the efficient operation of the library.

## Law Enforcement Requests

Any library records containing personally identifiable information are confidential and shall not be made available to any agency of state, federal, or local government without the individual's authorization, except pursuant to such proper process, order or subpoena, as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative power. Library records that may be subject to discovery may include: card registration with personally identifying information, current materials circulation, outstanding fines, computer sign-up, Internet searches, and program registration. The Library Director shall be responsible for handling all law enforcement or similar requests to obtain the Library's confidential information.

If there is a request for confidential information:

- the library staff shall immediately refer all law enforcement inquiries to the Library Director, or in his or her absence, to his or her duly appointed designee;
- the library staff shall not release any library confidential information until authorized by the Library Director, or in his or her absence, by his or her duly appointed designee; and
- the Library Director, or in his or her absence, his or her duly appointed designee, shall immediately consult with appropriate legal counsel to determine if such request is in proper form and to formulate an appropriate response.

If the law enforcement agent or officer does not have a subpoena or court order compelling the production of records, the Director shall explain the Confidentiality of Library Records policy and inform the agent or officer that the library's confidential information is not available without the production of a valid subpoena or court order. If the agent or officer produces a subpoena or court order, the Director shall immediately refer it to legal counsel for review. Based upon advice of legal counsel, the Director, or his or her duly appointed designee, shall determine whether to release the requested confidential information.

Subject to the provisions of applicable law, the Library Director will report in writing to the Board of Trustees, at least monthly, describing each instance, if any, in which the library has received a request for information from state or federal law enforcement agents, whether informally or by subpoena or court order, including the library's response to such request and the current status of each request.

#### Video Records

Access to the archived footage in pursuit of documented incidents of injury, criminal activity or violation of the Customer Behavior policy is restricted to designated staff, namely the Library Director and Assistant Director. Access is also allowed by law enforcement when pursuant to a subpoena, court order, or when otherwise required by law. Furthermore, video records and still photographs may be used by authorized individuals to identify those responsible for library policy violations, criminal activity on library property and may be shared with staff when involving banned patrons.

#### Enforcement

The provisions of this policy will be construed and enforced by the Library Director at his or her sole discretion.

All decisions, determinations and actions taken by the Library Director or any other library staff person with respect to this policy is subject to review only by the Board of Trustees.