



## Confidentiality of Library Member Records

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### Library Records Confidentiality Act

The Library is committed to member confidentiality and privacy as guaranteed by the Illinois Records Confidentiality Act (75 ILCS 70/1-2). The Library will generally refuse requests for available lists of registered library members or for the records of member transactions by any federal, state, or local law enforcement officer except pursuant to a court order entered by a court of competent jurisdiction. Costs incurred by the Library due to compliance with such court orders will be charged to the agency seeking out the information.

### Exceptions

With the exception of Library staff performing their required library duties, member records may only be disclosed to:

The member himself/herself upon verification of identity;

Parents of minor children under specific circumstances (See "Minor Members" below);

Anyone with written consent of the member involved;

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, members, trustees, or Library property. The requesting officer is required to complete the attached disclosure form;

Law enforcement officers, when an officer believes there is imminent danger or physical harm of a member. Information such as materials borrowed, resources reviewed, or services used at the Library may only be disclosed upon court order. The requesting officer is required to complete the attached disclosure form; (pursuant to HB 237, Public Act 95-0040, effective 1/08);

Law enforcement officers, upon court order or subpoena, in which case Library staff are to refer requests to the Library Director or person in-charge.

### 1. Minor Members Exception

If a library cardholder is under the age of 18, the parent or guardian who signed for the child's card may be given specific information regarding that child's record.

- A. If the parent or guardian is in possession of the child's card, they may be given any information in the child's record.
- B. If the child's card is not in the parent's or guardian's possession, the information provided will be limited to materials that are overdue, lost, or damaged and fines owed.

## 2. Court Orders Exception

A. Library staff shall observe the following procedures on receipt of any legal process or order requesting the disclosure or search of records:

- The Library Director will handle all requests for disclosure or search of library records pursuant to any legal process or order. In the absence of the Library Director, the person in-charge of the building will handle the request.
- The Library Director or person in-charge will request identification from the law enforcement officials serving the process or order and will record their names, badge numbers, and agencies.
- The Library Director or person in-charge will review the process or order when served and will immediately contact the Library Attorney for consultation concerning the scope of the document and procedures for compliance. The Director or person-in-charge will explain the Library's confidentiality policy to the law enforcement official.
- If the court order is in the form of a subpoena, the Library Attorney will examine the subpoena to insure that (a) the document is in proper legal form; and (b) there has been a proper showing of good cause for its issuance, in a court or administrative body of competent jurisdiction. Until the legality of such process, order, or subpoena has been affirmatively shown to the satisfaction of the Library Attorney, the Library will resist its issuance or enforcement until any such defects have been cured.
- If the court order is in the form of a search warrant, the Library Director or person in-charge will ask the law enforcement officials to wait until the Library Attorney is present before beginning the search. However, law enforcement officials are under no obligation to wait and may begin the search immediately.
- The Library Director or person in charge will assist officials in locating necessary information but will refrain from suggesting additional information resources and will limit access to records according to those requested in the court order.
- The Library Director or person in-charge will record all information provided to law enforcement officials and will only discuss the court order with the Director or the Library Attorney.

B. 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, media, papers, floppy disks, data tapes, and computers with hard drives; and permits the FBI to compel production of library circulation records, Internet use records, and registration information stored in any medium.

Although the Patriot Act does not allow public disclosure of the fact that the search warrant has been served and the person or persons whose records are to be searched may not be notified of the search, officials of the Library and the Library's Attorney should be notified of the presence of law enforcement and may examine the warrant.