

## **Confidentiality of Library Patron Records**

### Library Records Confidentiality Act

The Worth Public Library District is committed to patron confidentiality and privacy as guaranteed by the Illinois Library Records Confidentiality Act (75 ILCS 10/1-2). The Library will generally refuse requests for available lists of registered library patrons or for the records of patron 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, patron records may only be disclosed to:

- The patron himself/herself upon verification of identity
- Parents of minor children under specific circumstances (See “Minor Patrons” below)
- Anyone with written consent of the patron 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, patrons, 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 patron. 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 Public Act 95-0040)
- Law enforcement officers, upon court order or subpoena, in which case library staff are to refer requests to the Administrative Librarian or Department Head in Charge.

#### 1. Minor Patrons 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, he/she 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 Administrative Librarian will handle all requests for disclosure or search of library records pursuant to any legal process or order. In the absence of the Administrative Librarian, the Department Head in Charge will handle the request.
  - The Administrative Librarian or Department Head 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 Department Head 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 Administrative Librarian or Department Head 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 Administrative Librarian or Department Head 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 Administrative Librarian or Department Head 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 Administrative Librarian or Department Head in Charge will record all information provided to law enforcement officials and will only discuss the court order with the Administrative Librarian 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.

Approved: August 12, 2008

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President, Board of Trustees

**OFFICER'S REQUEST FOR CONFIDENTIAL  
LIBRARY INFORMATION**

A. This is a request under the Library Records Confidentiality Act, 75 ILCS 70/1 for information contained in the Library's registration and/or circulation records.

B. My request for information is limited to identifying a "suspect, witness, or victim of a crime".

C. As the bases for this request, I represent the following:

1. I am a sworn law enforcement officer.

2. 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.

D. The information I request relates to the following: \_\_\_\_\_

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(Description of information sought)

\_\_\_\_\_  
Officer's signature

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

\_\_\_\_\_  
Officer's printed name

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

\_\_\_\_\_  
Officer's badge number

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

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**OFFICER'S ACKNOWLEDGMENT**

I acknowledge receipt from the Worth Public Library District of the information I requested.

\_\_\_\_\_  
Officer's signature

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

Name(s) of Library Staff assisting with the information requested: \_\_\_\_\_

\_\_\_\_\_