

Mount Prospect Public Library
Privacy and Confidentiality of Patron Information Policy

1. LIBRARY MISSION:

The mission of the Mount Prospect Public Library is to provide diverse services and resources to meet the informational, educational, recreational and lifelong learning needs of the Mount Prospect community.

2. LIBRARY BILL OF RIGHTS:

The Mount Prospect Public Library affirms Article 5 of the American Library Association's Library Bill of Rights:

"A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

3. PRIVACY AND CONFIDENTIALITY OF PATRON INFORMATION:

Personally identifiable information about library users must be kept confidential in accordance with the Illinois Records Confidentiality Act (75 ILCS 70/1-2). "The registration and circulation records of a library are confidential information. Except pursuant to a court order, no person shall publish or make any information contained in such records available to the public." Full text attached to policy.

Confidential library records (*i.e.* records pertaining to an individual patron's use of library materials or resources) may not be released or made available in any format to a federal agent, state or local law enforcement officer, or other person unless a court order in proper form has been entered by a court of competent jurisdiction. Library staff must cooperate with federal, state, and local law enforcement agencies when they are acting within the scope of a lawfully issued court order.

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

4. PATRON-IDENTIFIABLE INFORMATION

All patron-identifiable information is confidential. This includes all records, files, computers and electronic media that might contain such information.

Patron-identifiable information refers to a wide range of information maintained by the Library and includes any information that links a patron to use of Mount Prospect Public

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, email address, identifying numbers such as patron number, license number or social security number or by employment information)

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.

5. DESIGNATED CONTACT PERSON

Only the Executive Director, Deputy Director, Assistant Director or designated "Privacy In Charge Staff" are authorized to disclose any patron-identifiable information other than that listed under staff guidelines and procedures.

6. LIMITED EXCEPTIONS

There are several limited exceptions which permit or even require the Library to voluntarily disclose certain electronic communications under the Federal Electronic Communication Privacy Act. This law permits the Library in certain circumstances to disclose the contents of certain electronic communications, such as email, temporary Internet files, and other content transmitted, received, viewed, downloaded or printed on a Library computer. Authorized staff (see above: Designated Contact Person) may divulge the contents of an electronic communication:

- 1) To an addressee or intended recipient of the communication;
- 2) In any way consistent with the consent of the originator or an addressee or intended recipient of the communication; or
- 3) To a law enforcement agency:
 - i. if the contents were inadvertently obtained by the Library and appear to pertain to the commission of a crime; or
 - ii. if the Library reasonably believes that an emergency involving immediate danger of death or serious injury to any person requires disclosure of this information without delay.

Federal law requires the Library to report possible violations of child pornography laws to the Cyber Tip Line at National Center for Missing and Exploited Children (www.cybertipline.com). Reports received are forwarded to the appropriate law enforcement agencies. The Library's attorney should be consulted prior to filing report. The Library is protected from liability for good faith disclosure to the Cyber Tip Line.

If law enforcement asks the Library to retain electronic communications in storage (such as on the computer hard drive, disk or other storage medium), it must preserve such communications for at least 90 days following the request, and for an additional 90 days if the request is being renewed. The Library will require the appropriate legal process before providing access to preserved communications.

Responsibility of designated “Privacy In Charge Staff”

Staff authorized to handle government officers’ investigatory requests about Library patrons and users must be limited. Therefore, the Executive Director will designate certain “Privacy In Charge Staff” to have special authority with respect to confidentiality and privacy issues. Designated “Privacy In Charge Staff” must be thoroughly familiar with the Library’s policies and procedures and its Constitutional duties and mission, as well as the general requirements of applicable laws.

Ongoing review of policy and procedures is required by all designated “Privacy In Charge Staff.” Deputy Director and Human Resource Officer will hold orientation sessions for new “Privacy In Charge Staff” and hold annual training for all “Privacy In Charge Staff”.

Responsibility of all staff other than designated “Privacy In Charge Staff”

Staff will under no circumstances disclose any patron-identifiable information about any patron to the public, the press, or to any government agency, or to the patron’s own family members except for the exceptions listed in guidelines and procedures for disclosure and non disclosure of patron-identifiable information.

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 are not authorized to accept any subpoenas, warrants, court orders, and other investigatory documents directed to the Mount Prospect Public Library or pertaining to Library property.

Staff are required to know the location of a Privacy and Confidentiality Policy Reference Sheet kept in every department and are encouraged to present the card to any government officer, to indicate the Library’s policy and demonstrate that the staff member does not intend to be uncooperative.

Staff will be required to read, discuss with supervisor and sign off on reading the Privacy and Confidentiality Policy within 30 days of employment.

Responsibility of board of trustees

Board members will be thoroughly familiar with the Privacy and Confidentiality Policy and Procedures in order to support and assist designated “Privacy In Charge Staff” when called upon to do so.

Review of the Privacy and Confidentiality Policy and procedures will be conducted annually at a board meeting.

Illinois Records Confidentiality Act (75 ILCS 70/1-2)

Section

70/1. Registration and circulation records – Statistical reports.

70/2. Short title.

70/1. Registration and circulation records – Statistical reports

§ 1. (a) The registration and circulation records of a library are confidential information. Except pursuant to a court order, no person shall publish or make any information contained in such records available to the public.

(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.

(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.

P.A. 83-179, § 1, eff. Jan. 1, 1984.

Formerly Ill.Rev.Stat.1991, ch. 81, ¶ 1201.

Title of Act:

An Act regarding the confidentiality of various types of information held by certain libraries.

P.A. 83-179, approved Aug. 30, 1983, eff. Jan. 1, 1984.

70/2. Short title

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

P.A. 83-179, § 2, eff. Jan. 1, 1984. Amended by P.A. 86-1475, Art. 4, § 4-43, eff. Jan. 10, 1991.

Formerly Ill.Rev.Stat.1991, ch. 81, ¶ 1202.