

**Mount Prospect Public Library
Privacy and Confidentiality of Patron Information Policy**

1. LIBRARY MISSION

Mount Prospect Public Library exists to:

- Connect people to information, resources and opportunities for enrichment and leisure
- Provide and sustain a book culture through literary knowledge and interactive experiences
- Promote and support education and lifelong learning
- Build 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."

ALA Policy Manual 54.15 – Code of Ethics, states: "Librarians must protect each user's right to privacy with respect to information sought or received, and to materials consulted, borrowed or acquired."

3. PRIVACY AND CONFIDENTIALITY OF PATRON INFORMATION

Personally identifiable information about library users must be kept confidential in accordance with applicable laws, including the Illinois Library Records Confidentiality Act (75 ILCS 70/1-2). The Act provides: "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" for purposes of identifying a suspect, witness or victim of a crime and the officer represents that it is impractical to secure a court order as a result of an emergency where the officer believes that someone is in imminent danger of physical harm.

Patron-identifiable information (as defined in section 4 below and including 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 or the exigent circumstances described in clause (2) above are present. 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 or acting lawfully as part of an investigation.

The Library will generally refuse to disclose any patron-identifiable information without a patron's permission unless required to do so by a court order, including a warrant, which is properly issued and authorized by a federal or state court.

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The Library will disclose patron-identifiable information requested by a sworn law enforcement officer in writing in emergency situations as described in clause (2) above. (See Officer's Request for Confidential Library Information form.) Information provided in those circumstances is to be limited to identifying a suspect, witness, or victim of a crime. It excludes any registration or circulation records that would indicate materials borrowed, resources reviewed or services used at the Library except to the extent necessary for this purpose.

4. PATRON-IDENTIFIABLE INFORMATION

Patron-identifiable information is defined as information identifying an individual's registration with the Library or use of library materials or services. 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:

- a. Refers to a patron by any identifiable characteristic (e.g. by name, address, telephone or other contact numbers, email address, identifying numbers such as library card number, license number or social security number);

Or

- b. 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, email, temporary internet files stored in a computer, computer sign-up sheets or other facility use logs, interlibrary loan requests and records, patron hold requests, or 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, contain patron-identifiable information and are subject to this policy.

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. It also does not include information concerning behavioral issues (as distinguished from registration or circulation information) in the Library's records regarding a patron.

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5. DESIGNATED CONTACT PERSON

Only the Executive Director or Deputy Directors, or designated “Privacy In Charge Staff” is 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 disclose patron-identifiable information.

In addition to the two circumstances described in Section 3 above, the Federal Electronic Communication Privacy Act 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.

In addition, 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.

7. RESPONSIBILITIES

Responsibility of designated contact to release information

Staff authorized to handle government officers’ investigatory requests about Library patrons and users must be limited. Therefore, in addition to the Executive Director and Deputy Directors, the Executive Director will designate certain “Privacy In Charge Staff”

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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 contacts.

Responsibility of all staff

Staff should treat all patron-identifiable information as confidential. Staff will under no circumstances disclose any patron-identifiable information to the public, the press, or to any government agency, or to the patron's own family members except in accordance with this policy.

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 should immediately forward to the Executive Director (or, if immediate action is requested or appears warranted, the Privacy In Charge Staff) any subpoenas, warrants, court orders, and other investigatory documents or requests directed to the Mount Prospect Public Library or pertaining to Library property.

Staff should create records with patron-identifiable information only as reasonably necessary for the Library's operations.

Staff should consult records with patron-identifiable information only for legitimate purposes related to the Library's operations.

Staff will be required to read, discuss with supervisor and sign off on reading the Privacy and Confidentiality of Patron Information Policy as part of the new employee orientation process.

Responsibility of Board of Trustees

Board members should be thoroughly familiar with the Privacy and Confidentiality of Patron Information Policy.

New trustees will review the Privacy and Confidentiality of Patron Information Policy as part of trustee orientation process.