

Confidentiality of Library Records Policy

TFML Policy #19

Confidentiality of library records is a basic principle of librarianship. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf. The right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. The Library intends to uphold these rights of privacy and confidentiality by policy, procedure, and practice. Patrons should be advised, however, that because total privacy of electronic transactions and files is technically difficult to achieve, it cannot be absolutely guaranteed. The Library will provide information to law enforcement agencies only when legally required to do so.

19.1 Illinois Records Confidentiality Act

19.11 Circulation and registration records are confidential under Illinois law (75ILCS 70/1-2).

19.12 No such records shall be made available to the public or to any agency of federal, state, or local government except pursuant to court order.

19.2 Confidential Relationship: Library Staff and Patrons

19.21 The relationship between Library staff and patrons is confidential, including information about patron use of library materials or services, such as reference assistance, computer use, or program attendance.

19.22 Parents or legal guardians of children under the age of eighteen (18), upon request and after providing proper identification may be provided with details concerning materials that are checked out and/or overdue on their minor child's/children's card(s). See TFML Circulation Policy (#6), section 6.11 for further details.

19.3 Patron Access to Records

19.31 A patron must provide a library barcode or proper identification (such as a driver's license) before any information about his/her record will be provided.

19.32 Information about patron records is available via telephone only if a library barcode is provided.

19.33 Patrons may view their own records on line via the Internet. Details for such access will be provided to interested patrons by Library staff.

19.4 Library Website

19.41 Thomas Ford Memorial Library does not capture or store any personally identifiable information about individuals who access its website, except when patrons

voluntarily provide such information via email or an electronic form as part of a communication regarding Library services or programs.

19.42 The Thomas Ford Memorial Library website may use “cookies” (pieces of information that a website transfers to an individual’s computer hard drive for record-keeping purposes) to make use of the website more convenient or to track the number of visitors on an anonymous aggregate basis. **The Thomas Ford Memorial Library does not use cookies to collect user information from its website.**

19.43 Personally identifiable information given to the Library will be used exclusively for providing requested information or services.

19.44 Links from the Library’s website to other websites are not covered by this policy.

19.5 Court Order Procedures

19.51 Library staff will cooperate with law enforcement officials as required by federal laws to allow access to items within the scope of the court order while at the same time seeking to protect the rights of patrons in accordance with the Illinois Records Confidentiality Act (75 ILCS 70/1-2).

19.52 The Library Director will handle all requests to search Library records pursuant to a court order. In the absence of the Director, the Head of Adult Services, followed by the Head of Youth Services and the Head of Circulation Services, will address the court order issue.

19.53 The Library Director will request identification from the law enforcement officials and record names, badge numbers, and agencies.

19.54 The Library Director will review the court order when served and will contact the Library Attorney for consultation concerning the scope of the court order and compliance procedures. The Library Attorney is:

Mike Jurusik office phone (312) 984-6432

19.55 The Library Director will cooperate with law enforcement officials to help identify the records/evidence falling within the scope of the court order. Access will not be provided to records beyond the scope of the court order.

19.56 The Library Director will maintain a written report concerning the Library’s response to any such court order and shall use reasonable efforts to identify any records viewed, copied, or removed from the Library pursuant to the court order.

19.57 No employee will disclose the receipt of the court order or the search to anyone except the Library Director, the Library Board President, and the Library Attorney.

19.58 To assist law enforcement officials, a copy of this policy will be provided to Officials upon arrival at the Library.

19.6 Officer's Request for Confidential Library Information Without a Court Order

19.61 In accordance with the Library Records Confidentiality Act, 75ILCS 70/1 (Attachment #1), sworn law enforcement officers may request information contained in the Library's registration and/or circulation records *without a court order* when they believe that there is "...imminent danger of physical harm".

19.62 Under these circumstances the requested information must be limited to identifying a..."suspect, witness, or victim of a crime". The Library Director and Staff will cooperate with law enforcement officials to provide the information requested with the parameters of the Act.

19.63 Prior to receiving the requested information, the law enforcement officer must fill out the "Officer's Request for Confidential Library Information" form (Attachment #2), in its entirety.

19.64 The Library Director will handle all requests that fall under this portion of the Act. In the absence of the Director, the Head of Adult Services, followed by the Head of Youth Services and the Head of Circulation Services, will conduct the search for and provision of the requested information.

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THOMAS FORD MEMORIAL LIBRARY

OFFICER'S REQUEST FOR CONFIDENTIAL LIBRARY INFORMATION

- 1. This is a request under the Library Records Confidentiality Act, 75 ILCS 70/1 (copy attached) for information contained in the Library's registration and/or circulation records.
- 2. My request for information is limited to identifying a "suspect, witness, or victim of a crime."
- 3. My request complies with the following criteria of the Act:
 - A. I am a sworn law enforcement officer.
 - B. This is an emergency in which I believe there is imminent danger of physical harm, making it impractical to secure a Court Order for the identification information.

4. The information I request relates to the following:

(Description of information sought)

Officer's Signature

Officer's printed name

Officer's badge number

Officer's Agency/Department

Date signed

Time signed

* * *

OFFICER'S ACKNOWLEDGEMENT

I acknowledge receipt of the information I requested from the Library.

Officer's signature

Date signed

* * *

(Library Use Only)

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

ATTACHMENT 1

LIBRARIES

(75 ILCS 70/) 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.

(Source: P.A. 86-1475.)