

Policy and Procedure Manual	Section A 11
Governance and Organizational Structure Policy on Confidentiality of Library Records	Issued : March 17, 2008 Approving Authority: Board of Library Trustees

POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS

Library Records Confidentiality Act

All records in the Orland Park Public Library relating to patron registration and circulation of materials are considered to be confidential in nature in accordance with the Library Records Confidentiality Act (75 ILCS70/1-2.) The contents of registration and circulation records shall not be made available to anyone except authorized library personnel or as required by law. Only authorized library staff may provide information about overdue and lost materials to a minor's parent or legal guardian.

Orland Park Public Library Circulation Policy
Revised December 18, 2006

Circulation and patron registration records are considered confidential in nature and may not be released to the public or to any agency of federal, state, or local government without a Court Order.

P.A. 95-0040 makes an exception to this general rule provided a sworn law enforcement officer represents to the Library that there is probable cause to believe there is imminent danger of physical harm. The officer is limited to information identifying the suspect, witness or victim of a crime without a court order. This information does not include records reflecting materials borrowed, resources reviewed, or services used at the library. The library will require the requesting officer to sign a statement acknowledging receipt of the information.

The Library Records Confidentiality Act does not prohibit disclosure to law enforcement officials of information about a patron based on personal knowledge (such as a person's name), or information based on personal observation of a person on library property (such as staff observing the person using library computers.) No information relative to the purpose of the person's use of the library will be given without a court order.

The library has the right to ask a Court to review whether the officer's request complied with the law. The library is protected from patron claims that disclosure under the law

constituted a breach of confidentiality. The patron has the right to challenge the disclosure.

Search Warrant

The library will cooperate with law enforcement officials as required by law such as the USA Patriot Act. Section 21.5 of the USA Patriot Act gives federal law enforcement officials the ability to obtain a search warrant to gain access to certain library records on the basis that the officer(s) believe the records sought may be related to an ongoing investigation related to terrorism or intelligence activities. See Procedures for Law Enforcement Visits.

The USA Patriot Act also prohibits libraries or library staff served with a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) from disclosing the existence of the warrant or the fact that records were produced as a result of the warrant, under penalty of law. A patron cannot be informed that his/her records were given to a federal agent or that the patron is the subject of any federal investigation.

Subpoena

Judicial process served in the form of a subpoena does not require an immediate response from the library. The library will respond within the time allotted and in conformity with the law. See Procedures for Law Enforcement Visits.

Adopted on March 17, 2008 by the Board of Library Trustees.