

5.35 Library Privacy and Search Warrants under Patriot Act

It is the policy of the Richland Community Library Board, administration and staff to preserve the confidentiality of all library patron records and related patron information to the fullest extent permitted by law. To that end, the library patron records of the Richland Community Library shall be released or disclosed only as provided for under the conditions stated in this policy.

All library patron records and related patron information shall be treated by the staff of the Richland Community Library as confidential, including name, address, telephone number, age, gender, marital status, citizenship, or any other information provided on library patron records. The Richland Community Library may only use library patron records for library transactions and to distribute library-related information to registered library patrons. This policy also prohibits disclosure by Richland Community Library staff of any information that would indicate if a person even has a library borrower's card from the Richland Community Library.

The definition of a "library record" in this policy is: Any written documentation, electronic display, or other conveyance of stored data which is retained by the library and which contains information that personally identifies a library patron. This includes, but is not limited to, the library patron's name, address, telephone number, age, gender, marital status or any other descriptors that would identify the person in any way. This also includes the basic fact that the individual is a Richland Community Library patron and may or may not have requested or obtained specific materials from the library. For clarification purposes, a library patron record does not pertain to "non-identifying" material that may be retained by the library for the purpose of studying or evaluating the circulation of library materials in general, such as: material usage counts, age and gender demographics, etc.

Procedures for Protection of Library Privacy:

A. Michigan Library Privacy Act - State and Local Government Requests

1. **Notification of the Library Director** - Any employee of the Richland Community Library who receives a request, or who is served with a subpoena, court order, search warrant or other legal document from a *state or local governmental authority*, requesting the release of private library patron records or information, or requiring the disclosure of any information from a library patron's record, shall immediately notify the Library Director (or designated administrator in charge) and shall not take any action of any kind, other than to proceed with that notification. In the event that the Library Director (or designated administrator in charge) is not available, notification should immediately be given to the Richland Community Library Board Chair or Vice Chair.
2. **Action by the Library Director** - The Library Director, in a timely manner, shall receive and review all subpoenas, court orders, search warrants or other legal documents from a *state or local governmental authority* requesting the release of private library patron records or information, or requiring the disclosure of anything from a library patron's record, and shall immediately consult with the library's attorney (or appropriate authorized official) to verify authenticity of said legal documents

presented by a *state or local governmental authority*. When verification of authenticity has been established by legal counsel, the Library Director shall respond in an appropriate manner to each such *state or local governmental authority's* request, in accordance with this policy and in compliance with the provisions of the Michigan Freedom of Information Act, 1976 Public Act 442, MCLA 15.231 - 15.246.

- 3. **Requests for Registration Information:** The Richland Community Library Director shall deny, in writing, all requests for the release or disclosure of library patron records and information, unless the Richland Community Library has received written permission from the person identified in the library patron record. All information contained in library patron records is considered by the Richland Community Library Board to be "information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy" as exempted from disclosure in the Michigan Freedom of Information Act, MCLA 15.243.
- 4. **Freedom of Information Act Requests for Library Patron Records and Information** -The Richland Community Library shall deny, in writing, any designated "Freedom of Information Act" request for the release or disclosure of confidential patron registration information as follows:

Richland Community Library

Freedom of Information Act
Denial of a Request for Information

To: _____

You are hereby notified that your request of _____ (date) has been denied because the information requested is exempt from disclosure pursuant to MCLA 15.243. The Richland Community Library maintains a policy of confidentiality of library patron records and will not release library patron names, addresses, telephone numbers or other registration information without the written permission of the library patron.

Under Michigan law, you may commence an action in the Circuit Court to compel disclosure of public records (Freedom of Information Act, Section 10, MCLA 15.240).

Name and Title of Person Denying Request

Date _____

B. USA Patriot Act – Federal Government Requests (from federal authorities such as the FBI)

1. **Notification of the Library Director** - Any employee of the Richland Community Library who receives a request, or who is served with a subpoena, court order, search warrant or other legal document from a *federal governmental authority*, requesting the release of private library patron records or information, or requires the disclosure of anything from a library patron's record, shall immediately notify the Library Director (or designated administrator in charge) and shall not take any action of any kind, other than to notify the Library Director (or his/her designated administrator in charge). In the event that the Library Director (or designated administrator in charge) is not available, notification should immediately be given to the Richland Community Library Board Chair or Vice Chair.

2. **Action by the Library Director** - The Library Director, shall immediately consult with the library's attorney (or appropriate authorized official) to verify authenticity of said legal documents presented by a *federal governmental authority*. When verification of authenticity has been established, the Library Director shall, as required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Sections 215 and 216), comply fully with a *federal government court order or search warrant* to disclose or release library patron records and information.

As further required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Sections 215 and 216), the Richland Community Library Director, as well as any library staff member involved in providing the requested library records, **shall not disclose** to any person, including the individual whose library patron record was seized, the existence of the court order or search warrant, or the fact that the person's library patron record was produced as a result of the court order search warrant. (Note: The government can prosecute the Library Director and any library staff member for disclosing such information under these circumstances.)