
CONFIDENTIALITY OF LIBRARY RECORDS AND LAW VISITS POLICY

CONFIDENTIALITY OF LIBRARY RECORDS

The Hartland Public Library is bound by Wisconsin Statute 43.30 and Act 207 to preserve the confidentiality of library patron records. All Hartland Public Library circulation and other records which indicate the identity of library users, especially as they connect library users with material or services used, are confidential. This confidentiality extends to information sought or received; including library materials consulted or borrowed, database search records, reference interviews, circulation records, registration records and all other personally identifiable uses of library materials, facilities or services.

Such information may not be disclosed, except to:

1. Persons acting within the scope of their duties in the administration of the library or library system.
2. A law enforcement officer carrying out a court order signed by a judge. Library staff will seek legal counsel from the Village Attorney in the event of such request for release of library records, and will respond to the request according to the advice of counsel.
3. Persons authorized by the individual to inspect the individual's record.
4. A custodial parent or guardian of a child under the age of 16 who requests library records relating to that child's use of the library's documents or other materials, resources, or services.
5. A qualifying third party such as a collection agency or a law enforcement agency if the delinquent account is at least \$50.00.

PROCEDURES FOR LAW ENFORCEMENT VISITS

The possibility exists that law enforcement officials will wish to view patron records. If such a request occurs, the following guidelines will be in effect:

- All such requests will be referred to the Library Director and legal counsel.
- If the agent or officer does not have a court order compelling the production of records, the director shall explain the state of Wisconsin confidentiality law and inform the agent that library records are not available without one. Without a court order, neither the FBI nor local enforcement has the authority to compel cooperation with an investigation or require answers to questions.
- If a court order is in the form of a subpoena, the director should immediately refer to legal counsel for review.
- If a court order is in the form of a search warrant, the agent or officer may begin a search of library records as soon as the Library Director has been served with the court's order.
- If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment), the procedure for a search warrant applies. However, this type of search warrant also contains a "gag order." No person or institution served can disclose that the warrant has been served or that records have been produced. The library and its staff must comply with this order. No information can be disclosed to any other party; including the patron whose records are the subject of the search warrant. The gag order does not change the library's right to legal representation during the search.

Adopted 2/13/03

Revised 8/18/04; 12/08/16