

V

ORDINANCE NO. _____

WHEREAS, the Board of Trustees of the Schmaling Memorial Public Library District believes it is in the best interest of its patrons, residents and taxpayers to preserve the confidences of its library users,

NOW, THEREFORE, BE IT ORDAINED that this Board of Library Trustees hereby formally adopts the following official policies:

(1) It is the policy of the Schmaling Memorial Public Library District to preserve the confidentiality of the registration and circulation records of its patrons to the fullest extent permitted by law. Information regarded as confidential in patron records includes name, address, telephone number, and any other information provided on the patron registration card and circulation record. Additionally, library staff may not disclose whether or not a person has a library card.

(2) Circulation records and other records identifying the names of library users with specific materials hereby are recognized as "confidential" in nature, and access thereto is hereby restricted to library staff, qualified academic researchers, and those members of the public with a legitimate interest therein, as hereafter provided for.

(3) The Library may use registration information to distribute library-related information to registered borrowers. However, registration and circulation records will not be made available to individuals (other than the patron him- or herself), groups, or businesses. These records will not be made available to any local, state, or federal agency, or to any private individual, e.g., an attorney, except pursuant to a court order as may be authorized under the authority of and pursuant to federal, state, and local law. (Note: Usually a subpoena in Illinois is inadequate for disclosures of confidential information. However, a subpoena may be issued by the U. S. Attorney General under the provisions of the USA Patriot Act.) In all such instances, the library's legal counsel may be consulted or advised of issues related to patron confidentiality.

(4) The general and specific provisions of this policy are intended to be in accord with the Illinois Library Records Confidentiality Act (75 ILCS 70/1). All library staff and employees are hereby advised that such records shall not be made available to casual members of the public, the press, or to any agency of state, federal or local government, except pursuant to

such process, order or subpoena as may be authorized under the authority of and pursuant to federal, state, or local law relating to civil, criminal, or administrative discovery procedures of legislative investigatory power.

(5) Library staff shall observe the following procedures: Any employee of the Library who receives a request, or who is served with a subpoena, court order, or search warrant, to release or disclose any library record shall promptly notify the Library Director. The Library Director, in a timely manner, shall review all requests and orders, consult with the library's attorney as necessary, and respond in an appropriate manner to each request and order. If a request or order is not in the proper form, or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released.

In the immediate absence or unavailability of the Library Director, all requests for information will be referred to the Staff Member in Charge, who will notify the Library Director of the circumstances, and of any actions taken, as soon as possible. On receipt of any legal process, order or subpoena, the library staff member in charge will immediately consult with the President of the Board and the Library attorney to insure that (a) the document is in proper legal form; and (b) there has been a proper showing of good cause for its issuance, in a court of administrative body of competent jurisdiction. Until the legality of such process, order, or subpoena has been affirmatively shown to the satisfaction of the Library attorney, the Library will resist its issuance or enforcement until any such defects have been cured.

(6) In the event that an urgent request by a sworn law enforcement officer states that it is impractical to obtain a court order as a result of an emergency situation, and there is probable cause to believe there is imminent danger that someone will be physically harmed, the information requested, limited to only identifying a suspect, witness or victim of crime, but not including any registration or circulation records that would indicate materials borrowed, resources reviewed or services used at the library, SHALL be provided to the officer if the attached form is fully completed and signed by the officer.

This Ordinance shall be in full force and effect immediately upon its passage, and any prior resolutions or policy statements to the contrary are hereby repealed; and should any part hereof be found invalid or unconstitutional, that portion shall be severable

herefrom and shall not affect the validity of the remaining portion.

Adopted at Regular Meeting December 21, 2009.

Posted December 21, 2009.

Board of Trustees of
Schmaling Memorial Public Library District

By: Ronald A. Kuhn
President, Board of Trustees

ATTEST:

Barbara J. Knight
Secretary, Board of Trustees, Schmaling Memorial Public Library District

**OFFICER'S REQUEST FOR
CONFIDENTIAL LIBRARY INFORMATION**

- A. This is a request under the Illinois Library Records Confidentiality Act, 75 ILCS 70/1 *et seq.* for information contained in the library's registration and/or circulation records.
- B. My request for information is limited to identifying a "suspect, witness, or victim of a crime."
- C. As the basis for this request, I represent the following:
1. I am a sworn law enforcement officer.
 2. As a result of an emergency where I believe there is imminent danger of physical harm, it is impractical to secure a Court Order for the identification information.
- D. The information I request relates to the following (Description of information sought):

Officer's acknowledgment – I acknowledge receipt from the Library of the information I requested.

Officer's printed name

Officer's Agency/Department

Officer's signature

Officer's badge number

Time signed

Date signed

(Library Use Only)

Name(s) of Library Staff assisting with the request: _____