

POLICY 365
CONFIDENTIALITY OF LIBRARY RECORDS & COURT ORDERS

It is the policy of the Board of Trustees of the Lisle Library District (LLD) to protect the privacy of its users and to consider Library registration and circulation records to be confidential according to 75 ILCS 70/1 et. seq., the Library Records Confidentiality Act (LRCA).

A. The 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.)

B. Court Orders

The LRCA provides that patron registration and circulation records may not be published or made available without a Court Order, such as a Subpoena or Search Warrant. Library staff shall cooperate with federal, state, and local law enforcement agencies in compliance with Court Orders.

Typically, a Subpoena allows a period of time to produce specified documents. A Search Warrant may be executed immediately by law enforcement officials.

1. Information provided without a Court Order

Enforcement officers may request information in emergency situations regarding the identity of suspects, witnesses, or victims where the officer believes there is imminent danger of physical harm, provided all of the following conditions are true:

- A sworn law enforcement officer represents to the Library it is impractical to get a Court Order as a result of an emergency; and
- The officer has probable cause to believe there is imminent danger of physical harm; and
- The information requested is limited to identifying a suspect, witness or victim of a crime; and
- The information requested does not include records reflecting materials borrowed, resources reviewed, or services used at the Library.

Only information identifying a suspect, witness, or victim of a crime may be disclosed to an officer without a Court Order. All other information remains confidential.

The LLD designated contact will ask the law enforcement officer to fill out the Officer's Emergency Request for Confidential Library Information Form.

2. Designated LLD Contact

The Library Director is the designated contact to handle all requests to search Library records pursuant to a Court Order and/or emergency requests by a sworn law enforcement officer. In the absence of the Director, the Assistant Director or the next Person in Charge (PIC) shall be the designated contact.

3. Procedures for Designated Contact

- a. Request identification from law enforcement officials and record names, badge numbers and agencies.
- b. Provide a copy of this Policy to law enforcement officials.
- c. Notify the Lisle Police Department if law enforcement officials are from another jurisdiction.
- d. If the law enforcement official does not have a Court Order, the designated contact will explain that the Library is prohibited by the LRCA from giving access to confidential records unless the officer states that:
 - i. It is impractical to get a Court Order as a result of an emergency; and
 - ii. The officer has probable cause to believe there is imminent danger of physical harm; and
 - iii. The information is needed to identify a suspect, witness or victim of a crime; and
 - iv. The information sought does not include records reflecting materials borrowed, resources reviewed, or services used at the Library.

In this case, the LLD Designated Contact will ask the law enforcement officer to fill out the Officer's Emergency Request for Confidential Library Information Form.

- e. If a law enforcement official presents a Subpoena, the designated contact will tell the official that the LLD Attorney will respond. The LLD Director will ask the Attorney to review the Subpoena and advise the Library on an appropriate response.
- f. If a law enforcement official presents a search warrant, the designated contact will call the LLD Attorney immediately. If the Attorney is not present during the search, the designated contact will appoint the next PIC to accompany the designated contact and law enforcement official(s) during a search. The designated contact shall fill out the Search Warrant Information Form and provide same to the LLD Attorney.
- g. Locate the records identified in the Court Order and limit production of items to those specified. The designated contact will not volunteer or provide information not specified in the Court Order.
- h. The designated contact may communicate with other LLD staff as needed to obtain the specified information. Otherwise, the designated contact will not discuss the Subpoena or Search Warrant with any other individuals (staff or non-staff).
- i. Make a list of all records viewed, copied, or removed from the Library using the Search Warrant Information Form.

- j. If a search warrant or FISA (Foreign Intelligence Surveillance Act) Order is issued by a FISA Court or if an Order is under a statutory provision of the USA Patriot Act, the Order may contain a “gag order.” This means that no person or institution served with the Order can disclose that the Order has been served or that records have been produced pursuant to the Order. No Library employee shall disclose the receipt of the Order or any information about the records sought, including the patron whose records are the subject of the search. Exceptions to disclosure include the LLD Director and LLD Attorney.

- k. If allowed (non-FISA/Patriot Act Order), the LLD Director will notify the Board President when a Court Order is received without disclosing confidential information.

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