

Confidentiality Ordinance No. 2018

WHEREAS, the Board of Trustees of the Blandinsville-Hire 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 policies:

- 1) It is the policy of the Blandinsville-Hire 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 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 the 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 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 and 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 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 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 order, process, or subpoena has been affirmatively shown to the satisfaction of the Library attorney, the Library will resist its issuance or enforcement until 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 the Regular Meeting 7 June 2017

Posted 7 June 2017.

Board of Trustees of the Blandinsville-Hire Public Library District

By: 
President, Board of Trustees

Attest;


Secretary, Board of Trustees