PORTAGE DISTRICT LIBRARY

LIBRARY PRIVACY & SEARCH WARRANT POLICY

It is the policy of the Portage District 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 Portage District Library shall be released or disclosed only as provided for under the conditions stated in this policy and applicable law including the Library Privacy Act. MCL 397.601 *et seq*.

All library patron records and related patron information shall be treated by the staff of the Portage District Library as confidential, including name, address, telephone number, or any other information provided on library patron records that personally identifies a library patron. The Portage District Library may only use library patron records for library transactions and to distribute library-related information to registered library patrons.

The definition of a "library patron record" in this policy is: Any written documentation, record, or other method of stored information that is retained by the library and that contains information that personally identifies a library patron or that identifies a person as having requested or obtained specific materials from the library. This includes, but is not limited to, the library patron's name, address, telephone number, or any other descriptors that would identify the person in any way. This also includes the basic fact that the individual is a Portage District 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 include "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 Portage District 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 library patron records, 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 Portage District Library Board Chair or Vice Chair. For purposes of Sections A2 and A3 of this Policy, "Library Director" shall include his/her designated administrator in charge and the Board Chair or Vice Chair, as the case may be.

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 library patron records, 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*. After review of the legal

document(s), the Library Director shall respond in an appropriate manner in compliance with applicable law.

3. **Requests for Patron Information**: Pursuant to the Library Privacy Act, the Library Director shall deny, in writing, all requests (including Freedom of Information Act requests) for the release or disclosure of library patron records, unless ordered by a court or the Portage District Library has received written consent from the person liable for payment for or return of the materials identified in that library record.

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

1. **Notification of the Library Director** - Any employee of the Portage District 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 library patron records, 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 Portage District Library Board Chair or Vice Chair. For purpose of Section B2 of this Policy, "Library Director" shall include his/her designated administrator in charge and the Board Chair or Vice Chair, as the case may be.

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.* After review of the legal document, 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 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.)