

CONFIDENTIALITY AND PRIVACY POLICY

I. PURPOSE

The purpose of this policy is to affirm the Naperville Public Library's dedication to the principle of the confidentiality of library records and to a patron's expectation of privacy when using library materials or services, and to identify those limited circumstances under which information regarding a patron's use of the Library will be released to third parties.

II. SCOPE

It is the policy of the Library Board that all records pertaining to the use of the Naperville Public Library including, but not limited to, patron registration, circulation, program signup, meeting room and Web site records, shall remain confidential. Except as provided herein, no employee, volunteer or trustee shall make information regarding the use of the Library's materials, equipment or facilities available to any third party.

III. PROVISIONS

A. Library Records Confidentiality Act

1. The Library Records Confidentiality Act governs the release of circulation and patron registration information. The provisions of the Act are incorporated into this policy in their entirety.

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 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 provided information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section,

- a. "library" means any public library or library of an educational, historical or eleemosynary [charitable] institution, organization or society;

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- b. "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
 - c. "circulation records" includes all information identifying the individual borrowing particular books or materials.
2. "Identifying" information includes: address, phone number, birth date and other personal information obtained by the Library in connection with issuance of a Library card.

B. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA Patriot Act")
Section 215 of the USA Patriot Act, Access to Records Under Foreign Intelligence Security Act (FISA), allows an FBI agent to obtain a search warrant for "any tangible thing," which can include books, records, papers, floppy disks, data tapes, and computers with hard drives; permits the FBI to compel production of library circulation records, Internet use records, and registration information stored in any medium; and provides that libraries or librarians served with a search warrant issued under FISA rules may not disclose to anyone except library counsel and any staff members necessary for the production of the requested records or items, under penalty of law, the existence of the warrant or the fact that records were produced as a result of the warrant. Staff shall adhere to the provisions of Section III-C of this policy when disclosing information to an FBI agent in response to a search warrant issued under the terms of the USA Patriot Act.

C. Disclosure of Confidential Information

1. Except as provided for in this Section, no information regarding a patron's use of the Library may be disclosed to anyone other than the patron.
2. In the case of registration and circulation records, "patron" shall be defined as the individual who has signed for the library card.
3. Naperville Public Library card holders are eligible to apply for reciprocal borrowing privileges at other public libraries in Illinois. When a patron applies for reciprocal borrowing privileges at another public library, the Naperville Public Library reserves the right to verify to that library that the patron holds a valid card and that the card is or is not in good standing.
4. The Naperville Public Library will honor a court order issued under the terms of the Library Records Confidentiality Act or the USA Patriot Act subject to the following procedures:
 - a. Any employee who receives a request for library records shall ask for the identification of the person making the request and then immediately refer the agent or officer to the library manager or, in the absence of the library manager, to the person-in-charge of the building.
 - b. The library manager or person-in-charge should attempt to contact library counsel and to have library counsel present. In the event that library counsel is not available, the library manager or person-in-charge should meet with the agent with another library staff member in attendance.

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- c. If the agent or officer does not have a court order compelling the production of records, the library manager or person-in-charge should explain the Library's confidentiality policy and the state's confidentiality law and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented.
- d. If the officer is claiming to need information as a result of an emergency, believing there is imminent danger of physical harm, and it is impractical to secure a court order for the identification information, the library manager or person-in-charge may provide information that is limited to identifying (see section 3.A.2) a suspect, witness, or victim of a crime. In this case, the library manager or person-in-charge will need to fill out and get the officer's signature on the Officer's Request for Confidential Library Information form.
- e. If the court order is in the form of a subpoena, library counsel shall examine the subpoena for any legal defect, including the manner in which it was served on the Library, the breadth of its request, its form, or any insufficient showing of good cause made to a court before any records are produced.
- f. If the court order is in the form of a search warrant, the agent or officer may legally begin the search of library records as soon as the library manager or person-in-charge is served with the court's order. However, the library manager or person-in-charge should ask to have counsel present before the search begins in order to allow the Library's counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant.
- g. If the court order is a search warrant issued under the Foreign Intelligence Security Act, no information regarding the existence of the search warrant or of the records that have been produced pursuant to the warrant shall be disclosed to any other party, including the patron whose records are the subject of the search warrant, except library counsel and any staff members necessary for the production of the requested records or items. The library manager or person-in-charge does have the right to and shall seek legal advice concerning the warrant from the Library's legal counsel and shall request that the Library's legal counsel be present during the actual search and execution of the warrant.

D. Web Site Privacy Statement

1. The Naperville Public Library shall not share or sell Web site information with any third party except as required pursuant to the provisions of a valid court order.
2. In order to improve the usefulness of the Naperville Public Library Web site for visitors, anonymous statistical information is collected from usage reports that concern network traffic flow and volume. The information collected consists of:
 - a. the domain name and IP address of the visitor, enabling the Naperville Public Library to troubleshoot issues with the server and to compile statistical reports.

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- b. the browser being used so that staff may better design the Web site to take full advantage of browser capabilities.
 - c. the default language set on browsers.
 - d. usage patterns, allowing staff to see what options need to move closer to the top to enable users to get information as quickly as possible.
3. To use Naperville Public Library databases remotely (from outside the Library), users must provide their Naperville Public Library card number, ensuring that Naperville taxpayers are the only ones benefiting from this information and service. Database vendors do not have access to any user records or information.

E. Public Access Computers

The Naperville Public Library attempt to maintain strict security on public access computers to prevent any personal information from being retained after a workstation has been rebooted. However, patrons should be aware that the Library cannot guarantee that every task completed on a public access computer is private.