

CONFIDENTIALITY OF LIBRARY PATRON RECORDS

Section 75 ILCS 5/1-7. [Confidentiality].

Sec. 1-7. Each library subject to this Act is subject to the provisions of The Library Records Confidentiality Act [75 ILCS 70/1 et seq.].

Section 75 ILCS 70/1. [Confidentiality of records; statistical reports permitted].

1.(a) The registration and circulation records of a library are confidential information. Except pursuant to a court order, no person shall publish or make any information contained in such records available to the public.

(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.

(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.

Section 75 ILCS 70/2. [Short title].

Sec. 2. This Act may be cited as the Library Records Confidentiality Act.

Section 5 ILCS 140/7. Freedom of Information Act. Exemptions.

(1) The following shall be exempt from inspection and copying:

(l) Library circulation and order records identifying library users with specific materials.

Costs incurred by the library due to compliance with court orders will be charged to the agency seeking the information.

Patron records may only be disclosed to:

1. The patron upon verification of identity with the library card.
2. If the parent or guardian who signed for the card is in possession of the minor's card then they may be given information
3. If the parent or guardian who signed for the minor's card does not have the library card then the only information available will be limited to items that are overdue, lost, or damaged or fines owed.
4. Law enforcement officers, when staff members have knowledge of a name and description of a person who has committed, or threatens to commit a crime affecting Library staff, patrons, trustee or Library property. The requesting officer is required to complete the attached disclosure form.
5. Law enforcement officers, when an officer believes there is an imminent danger or physical harm a patron. Information such as materials borrowed, resources reviewed, or services used at the Library may only be disclosed upon a court order. All such requests must be made to Library Director or senior staff member in charge.

Court Orders

Patrons should be aware that Section 21.5 of the US Patriot Act gives federal law enforcement officers the ability to obtain a search warrant to gain access to certain library records on the basis that the officer(s) believe that the records sought may be related to an ongoing investigation related to terrorism or intelligence activities.

The Patriot Act also prohibits libraries or librarians served with such a warrant issued under FISA (Foreign Intelligence Surveillance Act) rules from disclosing the existence of the warrant or the fact that records were produced as a result from the warrant, under penalty of law. A patron cannot be informed that his/her records were given to a federal agent or that patron is the subject of a federal investigation.

1. The Library Director will handle all requests for disclosure or search of library records pursuant to any legal process or order. In absence of the director the President of the Board of Trustees will be called.
2. The Library Director or the Board President will request information from the law enforcement officials serving the process or order and will record their name, badge number, and agencies.
3. The Library Director or Board President will review the process or order and immediately contact the library's attorney. Then they will explain the policy to the law enforcement officials.
4. If the court order is in the form of a subpoena, the Library Attorney will examine the subpoena 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 or 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.

5. If the court order is in the form of a search warrant, the Library Director or Board President will ask law enforcement officials to wait until the Library Attorney is present before beginning the search. However, law enforcement officials are under no obligation to wait and may begin the search immediately.
6. The Library Director or Board President will assist officials in locating necessary information but will refrain from suggesting additional resources and will limit access to records according to those requested in the court order.
7. The Library Director or Board President will record all information provided to law enforcement officials and will only discuss the court order with the Library Attorney.

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Steger-South Chicago Heights Public Library District
Confidentiality of Library Patron Records

LIBRARY INFORMATION

- A. This is a request under the Library Records Confidentiality Act, 75 ILCS 70/1 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 Signature

Officer's Agency/Department

Officer's Printed Name

Date Signed

Officer's Badge Number

Time Signed

OFFICER'S ACKNOWLEDGEMENT

I acknowledge receipt from the Library of the information I requested.

Officer's Signature

Date Signed

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