

POLICY #8
MORTON PUBLIC LIBRARY DISTRICT
CONFIDENTIALITY

It is the policy of the Morton 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 in patron records includes name, address, telephone number, and any other information provided on the registration and circulation record. Additionally, library staff may not disclose whether or not a person has a library card.

The Library may use registration information 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 instances, the library's legal counsel may be consulted or advised of issues related to patron confidentiality.

The general and specific provisions of this policy are in accord with the Illinois Library Records Confidentiality Act (75 ILCS 70/1). A copy of the Library Records Confidentiality Act accompanies this policy. All library staff and employees are advised that such records shall not be made available to casual members of the public, the press, or to any agency of the state, federal or local government, except pursuant to such process, order or subpoena as may be authorized under the authority of and pursuant to federal, state, or local law relating to civil, criminal, or administrative discovery procedures of legislative investigatory power.

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 with 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 senior staff member, who will notify the Library Director of the circumstances, and of any actions taken, as soon as possible.

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, 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 a crime, but not including any registration or circulation records that would indicate materials borrowed, resources viewed or services used at the library, shall be provided to the officer if the attached form is fully completed and signed by the officer.

Approved: February 2003
Revised: February 14, 2024

Attachment:

75 ILCS 70 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)

Officer's Request for Confidential Library Information

- A. This is a request under the Illinois Library Records Confidentiality Act, 75 ILCS 70/1 *et seq.* 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:
 - a. I am a sworn law enforcement officer.
 - b. 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 acknowledgment – I acknowledge receipt from the Library of the information I requested.

_____ Officer's printed name	_____ Officer's Agency/Department	_____ Officer's signature
_____ Officer's badge number	_____ Time signed	_____ Date signed

(Library Use Only)

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