

POLICY

Category: Governance & Administration

Number: A.08

Title: **Confidentiality of Library Records**

Effective Date: June 5, 2008

Authorized By: CFL Board of Trustees

Last Revision or Review: December 6, 2007; August 28, 2003; August 28, 1997;
March 9, 1981

References: Wisconsin Personal Information Practices Act (Sections 19.62 to 19.80);
Wisconsin State Statute 43.30; ALA Policy on the Confidentiality of Library
Records; USA Patriot Act; Foreign Intelligence Surveillance Act (FISA)

The Cudahy Family Library endorses the American Library Association's (ALA) recommendations on intellectual freedom and is diligent in its obligation to protect the privacy of library records and the confidentiality of patron use of the Library as required by Wisconsin Statute 43.30. However, the Cudahy Family Library cannot guarantee complete privacy in cases of federal intervention and search warrants issued under the provisions of the USA Patriot Act or the Foreign Intelligence Surveillance Act.

The Library Director is the record custodian for all the Cudahy Family Library's records except for the circulation records, which are part of the database maintained by the Milwaukee County Federated Library System (MCFLS), and the financial and additional personnel records kept at Cudahy City Hall. The custodian of the MCFLS circulation records is the MCFLS Director; the custodian of the Library's records at Cudahy City Hall is the Clerk Treasurer.

All Cudahy Family Library records which indicate the identity of library users are confidential. Records indicating the identity of library users include a library user's name, physical image, library card number, social security number, telephone number, street address, post office box number, or a zip code. This confidentiality of records extends to information sought or received; materials consulted, borrowed, or acquired; and includes database search records, reference interviews, class rosters, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services.

Cudahy Family Library records which indicate the identity of any individual who borrows or uses the Library's documents or other materials, resources, or services, may *only* be disclosed:

- (1) with the consent or authorization to an individual by the library user; or
- (2) to other libraries for interlibrary loan purposes; or
- (3) to custodial parents or guardians of children under the age of 16; or
- (4) to persons acting within the scope of their duties in the administration of the Library or its library system, the Milwaukee County Federated Library System; or
- (5) by court order or subpoena authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power; or
- (6) to law enforcement officials without a court order in the investigation of criminal conduct alleged to have occurred at the Library, or
- (7) to Federal agents with an appropriate warrant per Public Law 107-56 of the USA Patriot Act or a search warrant issued under the Foreign Intelligence Surveillance Act (FISA).

Records held by the Cudahy Family Library that include personally identifiable information about library users may also contain information that must be provided to those who submit a Wisconsin public record request. Personally identifiable information about library users will be redacted from any records that are publicly disclosed, except the records that are disclosed under one of the seven exceptions listed above.

In the case of patron failure to return library materials, the Cudahy Family Library may disclose circulation information and correspondence to Cudahy's City Attorney, the Office of the Municipal Judge, and Cudahy Police Department employees involved in securing the return of or payment for the materials, or both. Information about the identity of persons whose behavior violates the law or the Library's policies in or around the Library that is unrelated to library use may also be disclosed to the appropriate law enforcement authorities.

In accordance with Sections 19.62 to 19.80 of the Wisconsin Personal Information Practices Act, the Cudahy Family Library provides work rules for employees involved in collecting, maintaining, using, and providing access to personally identifiable information; and ensures that employees handling such records follow their duties and responsibilities relating to protecting personal privacy. Library staff will cooperate with law enforcement to the extent allowed by law, but all requests to identify persons with respect to their use of library materials and services will be referred to the Library Director.