

Policies

CONFIDENTIALITY OF PATRON RECORDS POLICY

Approved: 12/09/81; Reviewed and Revised 01/22/2003, 10/21/2009, 12/16/2015, 2/17/2021, 4/19/2023.

Review Date: 2028

I. Purpose

It is the responsibility of the library to keep personally identifiable information it collects about library users confidential.

II. Wisconsin Statute 43.30

- (A) Reading interests and activities of library users are protected under Wisconsin Statute 43.30, which reads as follows:

43.30 Public library records.

(1b) In this section:

(ae) "Collection agency" has the meaning given in s. 218.04 (1) (a).

(ag) "Custodial parent" includes any parent other than a parent who has been denied periods of physical placement with a child under s. 767.41 (4).

(b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(1m) Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 under sub. (4), to libraries under subs. (2) and (3), or to law enforcement officers under sub. (5).

(2) A library supported in whole or in part by public funds may disclose an individual's identity to another library for the purpose of borrowing materials for the individual only if the library to which the individual's identity is being disclosed meets at least one of the following requirements:

(a) The library is supported in whole or in part by public funds.

(b) The library has a written policy prohibiting the disclosure of the identity of the individual except as authorized under sub. (3).

(c) The library agrees not to disclose the identity of the individual except as authorized under sub. (3).

Policies

(3) A library to which an individual's identity is disclosed under sub. (2) and that is not supported in whole or in part by public funds may disclose that individual's identity to another library for the purpose of borrowing materials for that individual only if the library to which the identity is being disclosed meets at least one of the requirements specified under sub. (2) (a) to (c).

(4) Upon the request of a custodial parent or guardian of a child who is under the age of 16, a library supported in whole or part by public funds shall disclose to the custodial parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by that child.

(5)

(a) Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or in part by public funds, the library shall disclose to the law enforcement officer all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.

(b) If a library requests the assistance of a law enforcement officer, and the director of the library determines that records produced by a surveillance device under the control of the library may assist the law enforcement officer to render the requested assistance, the library may disclose the records to the law enforcement officer.

(6)

(a) Subject to par. (b) and notwithstanding sub. (1m), a library that is supported in whole or in part by public funds may report the following information as provided in par. (c):

- 1.** Information about delinquent accounts of any individual who borrows or uses the library's documents or other materials, resources, or services.
- 2.** The number and type of documents or materials that are overdue for each individual about whom information is submitted under subd. 1.

(b) If a public library discloses information as described in par. (a), the information shall be limited to the individual's name, contact information, and the amount owed to the library.

(c) A library may report the information as described in par. (a) to any of the following:

- 1.** A collection agency.
- 2.** A law enforcement agency, but only if the dollar value of the individual's delinquent account is at least \$50.

History: 1981 c. 335; 1991 a. 269; 2003 a. 207; 2007 a. 34, 96; 2009 a. 180; 2015 a. 169.

Policies

(B) The Library Board of Trustees interprets this statute to include all transactions associated with the use of library materials including registration records, circulation records, interlibrary loan forms, records of reference questions, and other documents or electronic records which would link the individual with particular materials or services.

(C) Library staff will maintain respect for confidentiality regarding patron reading or related interests in both informal conversation as well as formal duties.

(D) E-books and other electronic resources are located outside of the library's web site and are therefore not governed by the T. B. Scott Library's policy on confidentiality of library records. Patrons are responsible for reviewing privacy policies of electronic resource vendors for further information on the privacy of their transactions. Patrons who "opt in" to online library catalog features that keep a record of their reading history are responsible for information compiled through such services.

III. Requests for Information by Library Users

(A) Individuals may only check out materials on their own library accounts. Individuals will be permitted to view their registration and circulation records only upon presentation of their library card, library notice, or acceptable identification. Corroborating identification may be required at the discretion of library staff. Information as to circulation activity (titles, number of items charged, existence of overdue or bills) will be given by telephone only if the caller can correctly state his/her name, address, telephone number, and the last four digits of his/her library barcode number.

(B) A parent or guardian inquiring about the library records of a child under age 16 must present that child's library card or show proof that they are the person listed as parent or guardian in the child's registration record. An adult conducting library business for another adult must present written permission from that person and/or that person's library card or library notice. Library staff will not knowingly give one person's registration or circulation information to another person without proper authorization.

Policies

IV. Requests for Information by Law Enforcement Officials

Records shall not be made available to any agency of state, federal or local government except pursuant to such process, order, or subpoena as may be authorized by a court of competent jurisdiction. Upon receipt of such request, the library Director or supervisor in charge will consult with the City Attorney or the State Attorney General and will respond to the request according to advice of counsel. The library staff will cooperate fully with the terms of the request and will release those records, *and only those records specified*, to the authority. Any cost incurred by the library in performing a court-ordered search may be billed to the agency requesting the search.

V. Limitations

(A) This policy shall not be construed as a guarantee by the library of any absolute right to privacy to its patrons. The library is not responsible for information gained from a patron record by anyone other than the patron if the patron has lost or loaned his/her card or if someone has obtained the patron information by illegal or inappropriate methods.

(B) Library staff may use the patron database for fundraising or the marketing of Library events and/or services, if authorized by the Board of Trustees.

(C) Library staff work with the City Attorney's office to pursue delinquent accounts. Patron records may be released to the City Attorney as a part of this procedure, which is outlined in our Checkout Policies, solely for the purpose of protecting public property.