

# THE SCHULTZ-HOLMES MEMORIAL LIBRARY

## **Privacy and Confidentiality Policy**

### **Purpose**

The Library Privacy Act 455 of 1982 protects information about library patrons as private. Under this law, all library records are considered private and are not subject to the Freedom of Information Act. In fact, release of such information could expose the library to civil liabilities. At the same time, the USA Patriot Act has caused a dramatic change in the procedure for law enforcement authorities or their representatives to obtain records of a patron's library use. In attending to its legal obligations, The Schultz-Holmes Memorial Library is committed to preserving the privacy of its patrons.

### **Objective**

Library patron information records are private, gathered for purposes of library business. The library endeavors to protect the privacy of its patrons to the fullest extent permitted by law. Therefore, to the extent permitted by law, the Schultz-Holmes Memorial Library will strictly minimize the number of records it keeps which identify patrons and the materials they obtain from the library. Library staff will not divulge library patron record information to the public. This includes, for example: address and phone number information, program registration information, Internet registration information, information about what materials have been requested or borrowed by a specific patron, and, materials that are on hold for a patron. This policy also prohibits disclosure of whether or not a person has a library card. The registration and/or circulation records of the library shall be released or disclosed only as provided for herein.

1. Registration Records: This policy defines "registration records" as any information gathered from the patron on the library card registration form (name, address, phone number, etc.).
2. Records Protected by the Michigan Library Privacy Act: The Michigan Library Privacy Act provides that library records may not be disclosed to third parties unless the library has received written permission of the patron or a properly obtained court order (MCL 397.603). A "library record" is defined in the statute as "a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific materials from a library." "Library record" does not include non-identifying materials such as circulation statistics.
3. Notification of the Library Director: Any employee of the Schultz-Holmes Memorial Library who receives a written request, or who is served with a subpoena, court order, or other legal process, to release or disclose any registration record, shall promptly notify the Library Director without taking any other action.
4. Action by the Library Director: The Library Director, in a timely manner, shall review all requests and orders, consult with the library's attorney as necessary, notify the Board of Trustees and respond in an appropriate manner to each such request or court order in accordance with this policy, with the Michigan Freedom of Information Act, and with the Michigan Library Privacy Act.

5. Requests for Registration Information: Request for this information must be in writing. The Library Director shall deny, in writing, all requests for the release or disclosure of registration information unless the Library Director has received the written consent to such release or disclosure of registration from the persons identified in the records. Patron registration information is considered by the Board of Trustees to be “information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy” as exempted from disclosure in the Michigan Freedom of Information Act, MCL 15.243(1).

6. Court Order for Patron Information: The Library Director, after consultation and advice from the Library’s attorney, shall comply fully with any subpoena or court order to release or disclose patron registration information or library records if that court order was properly obtained under Section 3(2) of the Library Privacy Act (MCL 397.603). The court may issue an order for disclosure only “after giving the affected library notice of the request and an opportunity to be heard thereon.”

7. Federal Government Request under FISA: The Library Director, shall immediately consult with the library’s attorney (or appropriate authorized official) to verify authenticity of said legal documents presented by a federal governmental authority. When verification of authenticity has been established, the Library Director shall, as required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Sections 215 and 216), comply fully with a federal government court order or search warrant to disclose or release library patron records and information. As further required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Sections 215 and 216), the Library Director, as well as any library staff member involved in providing the requested library records, shall not disclose to any person, including the individual whose library patron record was seized, the existence of the court order or search warrant, or the fact that the person’s library patron record was produced as a result of the court order search warrant.

8. Denial of Freedom of Information Act Requests for Exempted Information: The Library Director shall deny, in writing, any designed “Freedom of Information Act” request for release or disclosure of confidential patron registration or circulation information as follows:

Schultz-Holmes Memorial Library Freedom of Information Act  
Denial of Request for Information

To: \_\_\_\_\_

You are hereby notified that your request of \_\_\_\_\_ has been denied because the information requested is exempted from disclosure pursuant to MCL 15.243(1)(a). The Schultz-Holmes Memorial Library maintains a policy of confidentiality of library patron records and will not release library patron names, addresses, telephone numbers or other registration information without the written permission of the library patron.

Under Michigan Law, you may commence an action in the Circuit Court to compel disclosure of public records (Freedom of Information Act, Section 10 MCL 15.240). We have attached a copy

of the Freedom of Information Act for a full explanation of your right to seek judicial review under Section 10.

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Library Director

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Date

9. Authority of Policy: The authority for this policy is the Michigan Freedom of Information Act, 1976 Public Act 442, MCL 15.243(1)(a) regarding information of a personal nature where the disclosure would constitute a clearly unwarranted invasion of privacy and the Michigan Library Privacy Act, 1982 Public Act 455, MCL 397.601 – 397.605. Library records protected by the Michigan Library Privacy Act are exempt from disclosure under the Freedom of Information Act (MCL 397.603 and MCL 15.243[d]).

APPROVED: JUNE 2011  
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