



POLICY ON PATRON PRIVACY AND CONFIDENTIALITY

Privacy Statement

Protecting library user privacy and keeping confidential information that identifies individuals or associates individuals with their use of library books, materials, equipment, programs, services, facilities, and/or staff assistance is an important principle of the Library. This policy affirms the Library's commitment to privacy, explains the information that the Library collects, and alerts visitors to Library facilities and users of remotely accessed Library services of the privacy choices available to them.

Definition of Terms

- Privacy is the right to seek information through Library resources without having the subject of interest known or examined by others.
- Confidentiality exists when the Library possesses personally identifiable information and keeps that information private on the patron's behalf.
- Personally identifiable information is information such as name, library card number, e-mail or mailing address, telephone number, or any financial information relating to a patron and his or her accounts.

Legal Protections and Exceptions

Wisconsin law has strong protections in place to assist the library in keeping records confidential. In certain circumstances, Library records may be subject to disclosure to law enforcement officials under provisions of state law or federal law under the provisions of the USA Patriot Act (Public Law 107-56). In accordance with the USA Patriot Act, public libraries must allow an immediate search and possible seizure of equipment or information if presented with a FBI National Security Letter or Foreign Intelligence Surveillance Act Warrant. Staff members are provided training in handling requests from law enforcement. The staff procedure can be found here ([provide link](#)).

The relevant Wisconsin laws concerning the confidentiality of library records are Wisconsin Statutes Section 43.30 and the Wisconsin Personal Information Practices Act (Sections 19.62 to 19.80). Library records include any record of use of library materials, resources, or services.

Wis. State Statute 43.30 requires that library records may only be disclosed under the following circumstances:

1. With the consent of the individual library user.
2. To a custodial parent or legal guardian of a juvenile under 16 years of age.
3. Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at the library. In this instance, the library shall disclose all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.
4. To persons acting within the scope of their duties in the administration of the library or library system.
5. To other libraries for interlibrary loan purposes.
6. To a qualifying third party to assist with delinquent accounts. Under the provisions of the law, the library may only disclose the individual's name, contact information and the quantity, types and value of unreturned materials, not the titles of the items.

Library Records

The Library avoids creating unnecessary records and retaining records longer than needed for library business purposes.

- To receive a library card, library users are required to provide identifying information such as name, birth date, picture ID, and mailing address. The identifying information is retained as long as the library user continues to use the library card. In most cases the information will be in the database for a maximum of three years after the person stops using the library card at which time the record is deleted.
- A library user's circulation record includes current identifying information, items currently checked out or on hold, as well as overdue materials and fines.
- Ninety days after an item is returned, the Library System removes the information regarding the last patron to check it out which deletes the patron from the item history log. If the item had associated fines, the fine transactions are saved.
- The Library may also gather information necessary to provide a requested service to a library user including but not limited to the following examples:
 - ❖ Records of electronic access information such as the library card or guest pass number used to log onto library public computers or search a library database

- ❖ Records for interlibrary loan requests or reference services
- ❖ Records needed to sign up for or participate in library classes and programs
- ❖ Records for use of meeting rooms
- ❖ Records for receiving emails and/or text messages about library services and programs. Once there is no longer a need for the information, personally identifying records are destroyed. Emails sent to Library staff may be subject to open records requirements.

The Library treats records as confidential in accordance with Wisconsin State Law (43.30). The Library will not collect or retain private and personally identifiable information without the person's consent. If consent to provide personally identifiable information is given, the Library will keep it confidential and will not sell, license or disclose it to any third party, except for purposes described by the law.

Access to Accounts and Patron Responsibility

Protecting a Patron Account

It is the patron's responsibility to notify the Library immediately if a library card is lost or stolen or if he or she believes someone is using the card or card number without permission. The Library recommends these precautions:

- Log off systems after use
- Don't share the library card, user IDs, or PINs

Keeping Account Information Up-To-Date

A patron may access his/her personally identifiable information held by the Library and is responsible for keeping the information accurate and up-to-date. The purpose of accessing and updating personally identifiable information is to ensure that library operations can function properly. A patron may view or update his/her personal information in person. He or she may be asked to provide some sort of verification or identification card to ensure verification of identity.

Parents and Children

For the protection of patrons, parents/guardians seeking records of their minor child, under age 18, may be asked to provide proof of their child's age as well as evidence they are the custodial parent/guardian.

Items on hold

Patrons of any age may choose to have other people pick up their holds. Holds will be checked out on the library card presented at the time of check-out.

Online Services: The Library's website contains links to other sites including third party vendor sites. The Library is not responsible for the privacy practices of other sites. We encourage our users to become familiar with the privacy policies of the other sites they visit.

The Library website does not collect personally identifying information unless the patron requests a service via the Library website. The Library may collect non-personal information for statistical analysis, site assessment, server performance, authentication, troubleshooting and other management purposes. Examples of non-personal information include, but may not be limited to IP address, geographical location of the network and time and date of the access. There is no link to personally identifiable information in online communications unless a patron has provided that information in the content of a transaction, for example, filling out an online form to request a service.

The Library uses temporary cookies to maintain authentication when a patron is logged in to the online catalog. A cookie is a small text file that is sent to a user's browser from a website. The cookie itself does not contain any personally identifiable information. Other electronic services offered by the Library through third party vendors may use cookies to help control browser sessions. Websites may use the record of cookies to see how the website is being accessed and when, but not by whom.

Library database users are asked for their library card number to ensure that only authorized users have access. Database vendors do not have access to any user records or information. The Library and Library System work with a variety of partners to provide digital media (eBooks, digital audio books, digital magazines, videos and music). Prior to checking out any of the library's digital media, patrons should read the privacy policy of the company that is providing the service.

Library Wireless Access: The Library offers free wireless Internet access. Patron's use of this service is governed by the Library's Public Access Internet Policy. As with most public wireless networks, the Library's wireless connection is not secure. Any information transmitted could be intercepted. Use of the Library's wireless network is entirely at the risk of the users. The Library disclaims all liability for loss of confidential information or damages resulting from that loss.

Other Services: Patrons may choose to take advantage of hold and overdue notices via email or text message and similar services that send personally identifiable information related to Library use via public communication networks. Patrons should also be aware that the Library has limited ability to protect the privacy of this information once it is outside of the Library's control.

Library Photos: The library takes photos at Library programs and they may be posted to the website or used in promotions. Patrons are advised to step out of camera range or notify Library staff if they do not wish to be in photographs.

Dwight Foster Public Library Meeting Rooms Use Records: The Library requests patrons to sign in by name prior to using its meeting rooms. The library may keep records of the names of the organizations that use the meeting rooms for a period of time to assist with understanding the use of the facility. The library may share contact information for the person responsible for meetings/events held at the library.)

Interlibrary Loan & Holds Records: Patrons may borrow items not owned by the Dwight Foster Public Library via interlibrary loan. The library generates a record that includes patron information in order to initiate this borrowing. Once the materials are returned and all appropriate fines and/or fees are paid, the record is archived for 3 months and then removed from the system.

Reference Interviews: A reference interview occurs when a patron looking for information is interviewed or questioned by a library staff member in order to narrow down the specific information needed. If a patron name and number is taken by phone and patron information is written down, the paper record is destroyed as soon as the requested information is delivered. No paper record is kept after the query has been successfully answered. All paper that contains names of library card holders and any of their activity are shredded prior to disposal.

Procedures for Complying with Law Enforcement

The Dwight Foster Public Library staff will comply with law enforcement when supplied with a legal subpoena or search warrant.

Staff Procedures:

- If anyone approaches staff alleging to be a law enforcement official requesting information, s/he will *immediately* contact the director. (In the director's

absence, staff will contact the assistant director. In the event that neither can be reached, the highest ranking person on duty is responsible for working with the requestor.) **Staff should not disclose any information to law enforcement personnel.**

- The director or her/his representative will ask to see official identification and will photocopy the ID.
- If the law enforcement official presents a **subpoena**, the library director or her/his representative will contact the city attorney for advice on how best to proceed. It is desirable for legal counsel to be present when the subpoena is executed. In the event that the city attorney is not available, the assistant city attorney will be contacted. In the event neither can be reached, the legal counsel for the American Library Association will be contacted.
- If the law enforcement official presents a **search warrant**, it is executable immediately. The library director or her/his representative will notify the city attorney and will attempt to have legal counsel present during the search to be sure that the search conforms to the terms of the warrant. If time does not allow for this, the search must be allowed to proceed. The library director or her/his representative will cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. Library staff should not interfere with the search and/or seizure of library property.
- The library director or her/his representative will inventory any items removed from the library as a result of the search warrant.
- The library will keep a record of all legal requests.
- The library will keep a record of all costs incurred by any search and/or seizures, including time spent by library staff assisting in the search or the inventorying of items.
- If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment), the warrant also contains a "gag order" which means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. The library and its staff must comply with this order. No information can be disclosed to any other party except legal counsel, including the patron whose records are the subject of the search warrant.

Emergency Disclosures of Communication

If in the normal course of business, the library staff observes what could reasonably be construed as a threat of imminent danger to life, the highest ranking person on duty is to contact law enforcement immediately. She/he should then immediately contact the library director.

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