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 staff assistance is an important principle of the Library. This policy affirms the Library's commitment to upholding patrons' privacy and confidentiality in their library use.

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, email address, 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).

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. Stat. § 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.

1. **Registration**
   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.

2. **Circulation Record**
   A library user's circulation record includes current identifying information, items currently checked out or on hold, as well as overdue materials and fines. Patrons who sign up for the reading history service will have their checkout history saved instead of purged. Patrons must opt-in for their reading history to begin being stored. The user has the option to turn off the service and delete their reading history at any time.

3. **Circulation History**
   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.

4. **Other Records**
   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, phone calls, or text messages about library services, programs, and materials.

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 Wis. Stat. § 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

1. **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.
   - Do not share the library card, patron barcode, or password.

2. **Keeping Account Information Up-To-Date**
   A patron may access his or 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. When updating his or her personal information, the patron may be asked to provide some sort of verification or identification card to ensure verification of identity.

3. **Parents and Children**
   For the protection of patrons, parents or guardians seeking records of their minor child, under age 16, may be asked to provide proof of their child's age as well as evidence they are the custodial parent or guardian.

4. **Items On Hold**
   Cardholders may choose to have other people pick up their holds by providing that person with their library card. The Dwight Foster Public Library does have a form that cardholders are welcome to fill out which authorizes the Library to check out their holds to a specific person who is designated on the form. The cardholder is liable for any materials checked out and claimed by the person authorized to check out the holds. It is the responsibility of the cardholder to notify the Library if they choose to relinquish the authorization.

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. The Library encourages users to become familiar with the privacy policies of the other sites they visit.

The Library's website does not collect personally identifying information unless the patron requests a service via the 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 content to users such as ebooks, digital audiobooks, digital magazines, videos, and music. Prior to checking out any of the Library's digital content, 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 electronic checkout receipts, 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 Photographs and Recordings

The Library uses photographs and recordings to promote the services and programs it provides. Patrons may be photographed or recorded at the Library and those photographs or recordings may be used in marketing and promotions. Patrons are advised to notify library staff if they do not wish to be in photographs or recordings.

Video Surveillance

In order to maintain a safe and secure Library, selected public areas of the Library premises are under continuous video surveillance and recording. Images from the Library's surveillance system are stored digitally on hardware at the Dwight Foster Public Library. It is the intent of the Library to retain general surveillance footage for a maximum of fourteen days. Surveillance footage that documents incidents may be kept for a longer period.

Video surveillance data are considered to be protected public library records. State statutes carefully define law enforcement officials' authority to view surveillance data, and the Library will cooperate with law enforcement officials as permitted by Wis. Stat. § 43.30(5) in two specific circumstances:

1. 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.

2. If the Library requests the assistance of a law enforcement officer, and the Library Director 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.

Illegal Activity Prohibited and Not Protected

Patrons may conduct only legal activity while using library resources and services. Nothing in this policy prevents the Library from exercising its right to enforce its Code of Conduct, protect its facilities, network, and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes. The Library can electronically log activity to monitor its public computers and external access to its network and reserves the right to review such logs when a violation of law or library policy is suspected. Staff is authorized to take immediate action to protect the security of library patrons, staff, facilities, computers, and the network. This includes contacting law enforcement authorities and providing information that may identify the individual(s) suspected of a violation.

Enforcement and Redress

Patrons with questions, concerns, or complaints about the handling of his or her personally identifiable information or this policy may file written comments with the Library Director. A response will be sent in a timely manner and the Library may conduct an investigation or review of practices and procedures. The Library conducts such reviews as necessary to ensure compliance with the principles outlined in this policy.

Approved by the Dwight Foster Public Library Board of Trustees
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Appendix A: 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, the staff member will contact the Library Director. In the event that the Library Director cannot be reached, the highest ranking person on duty is responsible for working with the requestor. Front-line library staff should not disclose any information to law enforcement personnel.
- The Library 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.
- 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, library staff observes what could reasonably be construed as a threat of imminent danger to life, the staff member is to immediately alert local law enforcement through the 9-1-1 emergency response system and then immediately inform the highest ranking person on duty. The highest ranking person on duty should then immediately contact the Library Director.