



# CONFIDENTIALITY OF RECORDS/PATRIOT ACT POLICY

January 2021

## 1. Confidentiality of Records – Illinois Library Records Confidentiality Act

Circulation and registration records are confidential as stated in Illinois law (75 ILCS 70/1-2). No such records shall be made available to the public or to any agency of federal, state, or local government except pursuant to a court order. The exception is when a law enforcement officer(s) has probable cause to believe there is imminent danger of physical harm (PA:95-0040). In this case, the officer(s) may request information regarding identification of a subject, witness or victim of a crime without a court order but the information may not include records reflecting materials borrowed, resources reviewed, or services used at the Library. In this case the Library will request that the officer sign a statement acknowledging receipt of the information.

The *Library Records Confidentiality Act* does not prohibit disclosure to law enforcement officer(s) of information about a patron based on personal knowledge (such as a person's name), or information based on a personal observation of a person on Library property (such as staff observing the person using library computers). No information relative to the purpose of the person's use of the library will be given without a court order.

## 2. Patron Access to Records

A library card barcode number or proper identification must be provided by a patron before any information about their record can be provided. Information is available by telephone only if a library card barcode number is provided. Patrons may view their own records online through the Internet.

## 3. Employees Responsibility

The relationship between Library staff and patrons is confidential, including information about patron use of library materials or services, such as reference assistance and computer use. Parents or legal guardians of children under 18 may be provided with information about current materials, overdue materials and outstanding charges on their child's card. No Library staff member who is not authorized, will disclose the receipt of a court order or a subpoena, or any information about the records sought to anyone, including the patron whose records are the subject of the search, except the Library Director and/or the Library Attorney. The Library staff member receiving any request to examine or obtain information relating to individual records will immediately refer the person making the request to the Library Director.

## 4. Library Director's Responsibility

The Library Director will handle all requests to search Library records pursuant to a court order. If the Library Director is not in the Library, she will be contacted immediately. In the absence of the Library Director, the Assistant Director or designated staff member in

charge of the Library that day will handle the request.

The following actions will take place if a request is received:

- A. Notify the President of the Library Board.
- B. Contact the Riverside Police Department if the law enforcement officer(s) presenting themselves at the Library are from any other jurisdiction.
- C. Request identification from the law enforcement officer(s) promptly upon their arrival at the Library.
- D. If the law enforcement officer(s) do not have a court order for the information that is being requested, the Library Director/staff member in charge will explain that the Library is forbidden by law to give access to confidential records without a court order. If the officer(s) are insistent, point out that their case may be jeopardized if the information is obtained improperly.
- E. If the law enforcement officer(s) represent to the Library that:
  1. There is imminent danger of physical harm.
  2. That it is impractical to get a court order as a result of an emergency.
  3. That the information requested does not include records reflecting materials borrowed, resources reviewed, or services used at the Library, then the Library Director/staff member in charge will cooperate with the officer(s) during the search under the provisions of PA 95-0040.
- F. If a court order is received, the Library Director/staff member in charge will review the court order to determine whether it is a subpoena or a search warrant.
  1. In the case of a subpoena, tell the officer(s) that it will need to be reviewed by the Library Attorney [**Michael Marrs, 312-984-6419**] before a response can be given.
  2. In the case of a search warrant, ask the law enforcement officer(s) to wait until the Library Attorney is present before beginning the search.
  3. If the officer(s) refuse to wait, they will be asked to let the Library contact their attorney for guidance on complying with the order. Law enforcement officer(s) are not required to wait until the attorney is present.
- G. The Library Attorney should be called immediately.
- H. If the Library Attorney is not present during the search, the Library Director/designated staff member in charge will appoint another staff member to accompany them during the search.
- I. When cooperating with law enforcement officials during the search, the Library Director/designated staff member will help locate the records evidence

specifically identified in the court order and ensure that no other patron's record is viewed.

- J. No access will be given to any records beyond the scope of the court order, i.e., records not specifically identified in the court order. The designated contact will not volunteer or suggest any additional information beyond that specifically requested in the court order.
- K. The Library Director/designated staff member may communicate with other Library staff if needed to obtain the specified information. The law enforcement official will not discuss the search with any other individuals, staff or non staff.
- L. The Library Director/designated staff member will make a list of all records or evidence viewed, copied or removed from the Library pursuant to the order.
- M. The Library Director/designated staff member will require the requesting officer to sign a statement acknowledging receipt of the information.

## **5. Disclosure of a Court Order**

If a search warrant is issued by a FISA (Foreign Intelligence Surveillance Act) Court it will contain a "gag order." This 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. No Library staff member will disclose the receipt of the court order or any information about the records sought to anyone, including the patron whose records are the subject of the search, except the Library Director and/or the Library Attorney. Any questions about the incident from the press or any other individuals should be referred to the Library Director.

Reviewed and Approved by the Riverside Public Library Board of Trustees October 12, 2010  
Approved by the Riverside Public Library Board of Trustees December 14, 2010  
Reviewed and Approved by the Riverside Public Library Board of Trustees November 8, 2016  
Revised and Approved by the Riverside Public Library Board of Trustees January 12, 2021