



## PRIVACY OF LIBRARY RECORDS AND LIBRARY USE

*Effective Date: 7/8/2025*

*Revised Date:*

The Thomas St. Angelo Public Library of Cumberland protects the privacy of library records and the confidentiality of patron use of the library as required by relevant laws. In addition, the Thomas St. Angelo Public Library Board of Trustees supports the principle of freedom of inquiry for library patrons, and has adopted this policy to protect against the unwarranted invasion of the personal privacy of library users.

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).

Under Section 43.30, library records which indicate the identity of any individual who borrows or uses the library's documents or other materials, resources or services may only be disclosed:

1. With the consent of the individual library user, or
2. By court order, or
3. To custodial parents or guardians of children under the age of 16, or
4. To persons acting within the scope of their duties in the administration of the library or library system, or
5. To other libraries (under certain circumstances) for interlibrary loan purposes (see SS. 43.30 (2) and (3)).

Wisconsin's Personal Information Practices Act (Sections 19.62 to 19.80) requires all state and local government organizations (including libraries) to develop procedures to protect the privacy of personal information kept by the organization. Libraries (and all other government organizations) are required to develop rules of conduct for employees involved in collecting, maintaining, using, and providing access to personally identifiable information. Libraries are also required to ensure that employees handling such records "know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws."

Records indicating the identity of library users include a library users name, physical image, library card number, social security number, telephone number, street address, post office box number, or 9-digit extended zip code.

Records held by the library that include personally identifiable information about library users may also contain information that must be provided to those who request that information, as required by Wisconsin's public records law. Personally identifiable information about library users must be redacted from any records that are publicly disclosed, except as the records are disclosed under one of the four exceptions provided by Section 43.30 (see above).

### **Rules to be followed by library staff**

As required by state law, library staff may only disclose library records indicating the identity of library users under the following conditions:

- Disclosure to staff members of the Thomas St. Angelo Public Library of Cumberland, and staff of other libraries and library systems only according to written procedures that comply with the laws cited above and that are approved by the director
- Disclosure as authorized by the individual library user
- Disclosure to custodial parents or guardians of children under the age of 16 [ss. 43.30] (see below for handling request from custodial parents or guardians)
- Disclosure pursuant to court order (see below for handling of different types of court orders)
  - If someone's life or safety is at risk, library records may be released to appropriate individuals or officials without a court order
- Library staff must refer all request for library records and all request for information about particular library users to the Library Director or designee
- Library staff are not allowed to share information about use of library resources and services by identified library patrons except as necessary for performance of their job duties and in accordance with procedures approved by the Library Director and/or the Library Board.

### **Handling request from custodial parents or guardians of children under the age of 16**

Requestor must be the child's "custodial parent," defined as any parent other than a parent who has been denied periods of physical placement with a child under s 767.24 (4). The Library staff will:

- Request identification
- If the requestor is the parent or guardian listed on the child's library record and the request resides at the same address, the staff may provide the requested information; otherwise, the staff will
- Obtain a completed and signed "Request for Access to Child's Library Record" form to help ensure that the requestor is indeed the child's custodial parent or guardian and that the requestors has not been denied periods of physical placement with the child under s 767.24(4).
- The staff may then grant the request or refer the request to the Library Director or designee

The Library staff will attempt to satisfy the request as soon as practicable and without unreasonable delay. In most cases this will be at the time of request. If there is question of the request's guardianship, the staff person may delay the request until review by the Library Director and/or the Library Board. If a request is denied by the Library staff, the requestor can appeal in writing to the Library Board.

Normal photocopy/printing charges will be assessed to the request for copies of records provided.

## Handling of court orders

[Note: All search warrants are court orders, but not all subpoenas are court orders. Library staff may not disclose library records in response to a subpoena that is not a court order if those records indicate the identity of library users.]

If a law enforcement officer (or anyone else) brings in a subpoena directing the library staff to produce library records:

- Notify the Library Director, or if the director is not available, their designee.
- The Library Director or designee should ask the municipal attorney (or library counsel) to review the subpoena.
- If the subpoena has any legal defects, require that the defects be cured before records are released.
- If appropriate, ask legal counsel to draft a protective order to be submitted to the court keeping the requested information confidential and limiting its use to the particular case.
- Follow legal counsel's advice for compliance with the subpoena.

If law enforcement officers bring a court order in the form of a search warrant:

- A search warrant is executable immediately, unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
- Request that the law enforcement officers wait until the municipal attorney (or library counsel) is present before the search begins in order to allow counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (The law enforcement officials are not required to accede to your request to delay the search.)
- Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other user's records are disclosed.

If FBI agents bring a court order in the form of a search warrant under the Foreign Intelligence Surveillance Act (FISA)

- A search warrant is executable immediately, unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
- Request that the law enforcement officers wait until the municipal attorney (or library counsel) is present before the search begins in order to allow counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (The law enforcement officials are not required to accede to your request.)
- Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other user's records are disclosed.
- It is illegal to disclose to any other person (other than those persons necessary to produce the tangible things sought in the warrant) that the Federal Bureau of Investigation has sought or obtained records or other items under the Foreign Intelligence Surveillance Act (FIS)

