

Warren-Newport Public Library District

Lake County, Illinois

Board of Trustees

Policy 3005

Confidentiality

Adopted: December 8, 1981

Reviewed/Revised: September 8, 1992; December 13, 1994; February 9, 1999; October 21, 2008; April 16, 2013; September 17, 2013; January 19, 2016; February 20, 2018; July 21, 2020

ARTICLE 1. FOUNDATION

The Board of Trustees of the Warren-Newport Public Library District (WNPLD) has adopted the Illinois Library Records Confidentiality Act (75 ILCS 70) and included it in this policy to serve as the foundation for local principles and procedures.

ARTICLE 2. ILLINOIS LIBRARY RECORDS CONFIDENTIALITY ACT (75 ILCS 70/1)

Section 70/1. Registration and circulation records; statistical reports

§ 1. (a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

- (1) required to do so under a court order; or
- (2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

- (b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.
- (b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

- (c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other material and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.
(Source: P.A. 95-40, § 5, eff. 01/01/2008.)

Section 70/2. **Short title**

This Act may be cited as the Library Records Confidentiality Act.
(Source: P.A. 86-1475, Art. 4, § 4-43, eff. 01/10/1991.)

ARTICLE 3. PRINCIPLES OF CONFIDENTIALITY

WNPLD shall provide the fullest possible public access to records that are defined by statute as public records. However, a citizen's right to privacy in using all library materials without regard to the inquiry of others is of utmost importance. Therefore, library records should not be used directly or indirectly to identify library patrons, nor should they be used to identify the types of materials used or the kind of information asked for by individual library patrons.

Any information regarding a borrower's circulation record shall be considered privileged information and shall be available only to the borrower and not to any other individual or group. Requests for information by someone other than the borrower, including such requests made by law enforcement personnel, will be granted **only** pursuant to a court order, subpoena, or any other requirement as outlined in the current Library Records Confidentiality Act or in any future revisions of the act.

Parents or legal guardians may obtain full access (items and titles) to their minor (under age 18) child's circulation record. Individuals must establish, beyond a reasonable doubt, that they are the parent or legal guardian of the said minor before such information will be released. If reasonable doubt of the relationship exists, the library staff will err on the side of withholding circulation information.
