

11 – Privacy Policy

11-1: Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. At the Palatine Public Library District (the Library), the right to privacy includes the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.

Courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution. Many states provide guarantees of privacy in their constitutions and statutory law. Numerous decisions in case law have defined and extended rights to privacy. Under Illinois state law, the Library is subject to the provisions of The Library Records Confidentiality Act [75 ILCS 70/1 et seq.] The Library's privacy and confidentiality policies aim to be in compliance with applicable federal, state, and local laws.

The Library's commitment to privacy and confidentiality has deep roots not only in law but also in the ethics and practices of librarianship. In accordance with the spirit of the American Library Association's Code of Ethics, the Library protects each user's right to privacy and confidentiality with respect to services sought or received and resources consulted, borrowed, acquired, utilized or transmitted.

11-2: Notice of Information Gathered

The Library affirms that users have the right of "notice" – to be informed about the policies governing the gathering, retention and removal of personally identifiable information and about why that information is necessary for the provision of library service.

Information the Library may gather about users includes the following:

User registration information such as full name, full address, telephone number, and a photographic image. Additional registration information gathered for users under 18 years of age includes the user's birthday; for users under 14 years of age, the full name and address of their parent or legal guardian. Such information is provided voluntarily by users to qualify for borrowing privileges and access to other library services;

Circulation information such as a record of materials checked out, lost or damaged and fines and fees incurred;

An e-mail address provided voluntarily by users. This allows for a convenient means to receive circulation notices and updates on library resources and programs;

A borrower's card number, required to access some services;

Information relating to meeting room booking, such as the name of requesting organization, resident cardholder making application, purpose of meetings, and status as a profit or not-for-profit organization; and

Other information reasonably required in the orderly provision of library services.

The Library avoids creating unnecessary records. The Library aims to remove records no longer needed for the provision of library services. The Library aims to avoid practices that might place information on public view.

11-3: Disclosure

The Library strives to keep confidential any and all personally identifiable information under its control. The Library will not sell, license, or disclose information to any third party without the user's consent, unless compelled to do so under the law or to comply with a court order. With the user's prior consent, the Library may disclose personally identifiable information to other institutions to facilitate access to library services such as reciprocal borrowing or interlibrary loan. The Library may disclose information to institutions such as a collection agency in order to protect library resources from loss or damage.

The Library will grant access to library-controlled information about children who have not reached 14 years of age to their custodial parents or legal guardians.

The Library shall provide a mechanism by which a user may grant access to their own personally identifiable information to designated person(s) to aid in obtaining library services.

11-4: Access by Users

Users are entitled to view and/or request updates to their personally identifiable information. Users must be able to verify their identity when accessing such information.

The Library may offer users the opportunity to create their own lists relating to reading, viewing and listening preferences. Such lists would be voluntarily created and modified by users. Users might elect to receive notification from the

library of new materials acquired based on such lists. Such information will be protected under this privacy policy.

11-5: Data Integrity & Security

Data Integrity: The data the Library collects and maintains should be accurate and secure. The Library takes reasonable steps to assure data integrity, including using only reputable sources of data; providing our users access to their own personally identifiable data; updating data whenever possible; and destroying untimely data or converting it to anonymous form.

Data Retention: The Library protects personally identifiable information from unauthorized disclosure. Information is purged or shredded when it is no longer needed to manage library services. Information that shall be regularly purged or shredded includes personally identifiable information on library resource use, material circulation history, and security/surveillance tapes and logs.

Tracking Use: The Library removes links between patron records and materials borrowed when items are returned. The Library deletes records as soon as the original purpose for data collection has been satisfied. To protect against loss or damage to the collection, the Library may maintain a link between an item and the most recent prior user of that item. The Library permits in-house access to information in all formats without creating a data trail. We do not ask library visitors or Web site visitors to identify themselves or reveal any personal information unless they are borrowing materials, requesting special services, registering for programs or classes, reserving or utilizing non-walk-up computer stations, or making remote use from outside the library of those portions of the Library's Web site restricted to registered borrowers under license agreements or other special arrangements. The Library regularly removes cookies, Web history, cached files, or other computer and Internet use records and other software code that is placed on our computers or networks.

Third Party Security: The Library strives to ensure that contracts, licenses, and offsite computer service arrangements reflect our policies and legal obligations concerning user privacy and confidentiality. Should a third party require access to our users' personally identifiable information, agreements address appropriate restrictions on the use, aggregation, dissemination, and sale of that information, particularly information about minors. When connecting to licensed databases outside the library, the Library will release only information that authenticates users as "members of the Library community."

Security Measures: The Library's security measures involve both managerial and technical policies and procedures to protect against loss and the unauthorized access, destruction, use, or disclosure of the data. Managerial measures include internal organizational procedures that limit access to data and

ensure that those individuals with access do not utilize the data for unauthorized purposes.

11-6: Enforcement & Redress

The Library shall conduct regular privacy audits in order to ensure that all library programs and services are in compliance with this privacy policy. Library users who have questions, concerns, or complaints about the library's handling of their privacy and confidentiality rights should file written comments with the Director of the Library. The Library will respond in a timely manner and may conduct a privacy investigation or review of policy and procedures.

11-7: Release of Information from the Patron Record to Courts or Sworn Officers

The Library authorizes only the Library Director and Library Privacy Officers to receive or comply with requests from law enforcement officers. The Library confers with our legal counsel before determining the proper response. The Library will only make library records available to any agency of state, federal, or local government if a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction that shows good cause and is in proper form or if a sworn law enforcement officer states there is probable cause to believe there is imminent danger that someone will be physically harmed and that it is impractical to secure a court order as a result of an emergency. The sworn officer making such a claim must complete and sign a form (attached as part of this policy) acknowledging declaration of said emergency and acknowledging receipt of the information requested from the Library.

The information released under signature of a sworn law enforcement officer will be limited to identifying a suspect, witness or victim of a crime and will not include disclosure of registration or circulation records that indicate materials borrowed, resources reviewed or services used at the library.

(Policy 11-7 Adopted January 9, 2008; Effective January 1, 2008)



Palatine Public Library District
700 N. North Court
Palatine, IL 60067-8159

Officer's Request for Confidential Library Information

1. This is a request under the Illinois Library Confidentiality Act, 75 ILCS 70/1 for information contained in the library's registration and/or circulation records.

2. My request for information is limited to identifying a "suspect, witness or victim of a crime."

3. As the basis for this request, I represent the following:

A. I am a sworn law enforcement officer and

B. As a result of an emergency where I believe there is imminent danger of physical harm, it is impractical to secure a Court Order for the identification information.

4. The information I request relates to the following event (Describe event and information sought)

Officer's Name (print)

Officer's Agency/Department

Badge Number

Officer's Signature

Date Signed

Time Signed

5. Officer's Acknowledgement - I acknowledge receipt from the Palatine Public Library District of the information I requested.

Officer's Signature _____

6. Name of staff member assisting with the information requested

Library Records Confidentiality Act
(75 ILCS 70/1) (from Ch. 81, par. 1201)

Sec. 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 materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 95-40, eff. 1-1-08.)