

PUBLIC POLICIES AND PROCEDURES: 401

SUBJECT: Confidentiality Policy: Disclosure of Library Records

DRAFT: July 7, 2020

APPROVED: July 17, 2002

REVISED: April 15, 2008, July 21, 2020

I. Policy; Library Records

It is the policy of the Brighton District Library (“Library”) to preserve the confidentiality and privacy of Library Records to the fullest extent permitted by law. A “Library Record” pursuant to the Michigan Library Privacy Act and for the purpose of this policy means:

“a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron’s name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library.”

For example, a Library Record would include, but not be limited to, surveillance video, patron circulation records, internet browsing history and program attendance records. “Library Record” does not include non-identifying material that may be retained for the purpose of studying or evaluating the circulation of Library materials in general. The Library Director shall be responsible for determining whether a particular document or video surveillance footage meets the definition of “Library Record.”

The Library takes seriously its obligation to protect the privacy of every patron, as required by law, even if this commitment to patron’s privacy may appear to cause inconvenience on occasion. To that end, Library Records or other confidential information shall be released or disclosed only as provided for herein or otherwise provided by Michigan or federal law.

II. Freedom of Information Act Requests

All requests for public records that are not subpoenas, court orders or other legal process must be processed according to the Michigan Freedom of Information Act (“FOIA”) and the Library’s FOIA Procedures and Guidelines. See Procedures and Guidelines and Written Summary for additional information. “Library Records” are exempt from disclosure under the FOIA.

III. Subpoenas, Court Orders or other Legal Process

Any employee of the Library who is served with a subpoena, court order, or other legal process to release or disclose any Library Record or other Library document from (1) a State or Local law enforcement agency or (2) a Federal law enforcement agency shall promptly notify the Library Director, or his or her designee. If neither is available, the Library Board President shall be contacted.

A. **Consultation with Attorney.** The Library Director, his or her designee, or the Board President has the authority to consult with the Library Attorney regarding

the sufficiency, scope or any other matter related to the subpoena, court order or other legal process.

- B. **Action by Library Director.** After review of the subpoena, court order or other legal process, the Library Director, his or her designee, or the Board President shall take appropriate action to respond.
- C. **Opportunity to be Heard.** Depending upon the type of subpoena or court order, the Library may appear and be represented by counsel at a hearing on the request for records.
- D. **Confidentiality.** If a subpoena, court order or other legal process is submitted to the Library, the Library shall keep the subpoena, court order or other legal process confidential if required by court order, Michigan law or federal law. To that end, the Library may not be able to inform the patron that his or her records were sought. The Library Board acknowledges that the Library Director, if required by a non-disclosure order or law, may not be permitted to inform the Board or its individual members that a local, state or federal agency has sought or obtained requested records.

IV. Consent

In compliance with the Michigan Library Privacy Act, a person who is liable for the payment or return of the materials identified in a Library Record or portion of a record may provide written consent for the release of that record. Further, a parent or legal guardian who signs to accept legal responsibility for return of his/her child's (under the age of 18) Library materials and accepts financial liability for that child's Library fines and other charges, may authorize the disclosure of the minor's Library Records by signing the disclosure and release statement granting consent on behalf of the minor.