



105 PERIMETER ROAD
MOUNT HOREB, WI 53572

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Privacy Policy

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I. Purpose:

A. The Mount Horeb Public Library protects the privacy of library records and the confidentiality of patron use of the library as required by relevant laws. In addition, the Mount Horeb Public Library Board 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 patrons.

B. Privacy is essential to the exercise of free speech, free thought, and free association. The courts have established a First Amendment right to receive information in a publicly funded library. Further, the courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution. Rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship.

C. The Mount Horeb Public Library is committed to protecting the privacy of our patrons. As described in Wisconsin Statutes, 43.30 Public library records, all circulation and other records which identify the names of library patrons, especially as they connect library patrons with material or services used, are confidential.

II. Legal Requirements of Confidentiality:

A. Wisconsin's Personal Information Practices Act (Sections 19.62 to 19.80) requires all state and local government organizations (including public 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."

B. Records indicating the identity of library patrons include a library patron's name, library card number, telephone number, email, street address, post-office box number, or 9-digit extended zip code.

C. Records held by the library that include personally identifiable information about library patrons 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 patrons 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.



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III. Confidentiality of Library Patrons by Staff and Volunteers:

A. The Mount Horeb Public Library is committed to providing the highest level of service to all library patrons through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

B. Therefore, library staff and the volunteers who assist library staff with any aspect of library service are required to uphold the principles of intellectual freedom and resist all efforts to censor library resources. Staff and volunteers protect each library patron's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

IV. Confidentiality of Library Records:

A. [According to the Wisconsin Statutes, 43.30 Public Library Records](#), records indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed, except pursuant to the exceptions identified in the Wisconsin Statutes.

B. The following exceptions to the confidentiality law are noted in [Wisconsin Statutes, 43.30 Public Library Records](#):

- with the consent of the individual library patron
- by court order (see section VII for handling of different types of court orders)
- to law enforcement officers, under certain circumstances identified in Wis. Stat. § 43.30(5)
- to persons acting within the scope of their duties in the administration of the library or library system
- to persons authorized by the individual library patron to inspect such records
- to libraries (under certain circumstances) as authorized under Wis. Stat. § 43.30(2) and (3) (e.g. for interlibrary loan purposes)
- to custodial parents or guardians of children under the age of 16

C. Rules to be followed by library staff:

1. As required by state law, library staff may only disclose library records indicating the identity of library patrons under the following conditions:
 - a) disclosure to staff members of the Mount Horeb Public Library, and the staff of other libraries and library systems as necessary for the performance of their job duties
 - b) disclosure as authorized by the individual library patron
 - c) disclosure to custodial parents or guardians of children under the age of 16 [ss. 43.30(4)] (see below for the handling of requests from custodial parents or guardians)
 - d) disclosure pursuant to court order (see below for handling of different types of court orders)
 - e) if someone's life or safety is at risk, library records may be released to appropriate individuals or officials without a court order (*The Attorney General's office opined, in a response dated November 27, 2006 to questions submitted by State Superintendent Elizabeth Burmaster, that "if someone's life or safety is at risk, for example, if there was a child abduction at the library, the law would not require the police to obtain a court order before being allowed to view any relevant [surveillance] tapes."*)



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2. Library staff must refer all requests for library records and all requests for information about particular library patrons to the library director or the library director's designee (the Leadership Team).
3. Library staff are not allowed to share information about use of library resources and services by identified library patrons except as necessary for the performance of job duties.

D. Handling requests 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 767.41(4). The Library staff MAY:

1. Ask the parent or guardian for the child's library card.
2. Ask the parent or guardian to verify the child's birth date and address and/or request identification (driver's license or photo ID).
3. If the requestor is the parent or guardian listed on the child's library record and the requestor resides at the same address or knows the child's address and birth date -- the staff may provide the requested information
 - a. Library records to be supplied include items currently checked out (circulation history if the patron has enabled this feature), due dates for those items, overdue items, any fees owed, and computer use login information if the child logged in with their library card.
 - b. Library records not required to be supplied include address, phone number, email, age, and internet browsing history (this information is not retained) of the child. This information must be edited out of any record supplied to a custodial parent or guardian.

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 same time as the request. If there is a question of the requestor's guardianship, the staff person may delay the request until review by the Library Director and/or Leadership Team. If the request is denied by the Library Director and/or Leadership Team, the requestor can appeal in writing to the Library Board.

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

E. Handling requests for holds information and all other account information for Adult Caregivers / Homebound Delivery patrons:

Both the patron and the Adult Caregiver / Homebound Delivery patron need to come to the library in person to fill out the paperwork allowing the Adult Caregiver / Homebound Delivery patron access to the patron's account. Staff will:

1. Ask that the requestor fill out the [Adult Caregiver / Homebound Authorization Form](#) in which both parties sign off on account access.
2. Staff will enter the Adult Caregiver's / Homebound Delivery patron information into the alternate contact field with a Special Note stating that the library should contact the Adult Caregiver / Homebound Delivery patron if there are questions/problems with the patron's account.
3. Staff will also update the email contact field to reflect the Adult Caregiver / Homebound Delivery patron's email address.

Exceptions may be made by the Library Leadership Team if the patron is unable to physically come to the library. Staff will:

1. Ask that the requestor call the patron so the patron can give staff verbal permission over the phone for account access to be given to an Adult Caregiver / Homebound Delivery patron. The patron will be asked to identify their account with barcode, address, and date-of-birth over the phone.
2. The requestor will be asked to fill out the *Adult Caregiver / Homebound Form* in which both parties sign off on account access. The requestor will need to take the form to the patron in order to collect the signature and then return to the form to library staff.
3. Staff will enter the Adult Caregiver's/ Homebound Delivery patron information into the alternate contact field with a Special Note stating that the library should contact the Adult Caregiver if there are questions/problems with the patron's account.
4. Staff will also update the email contact field to reflect the Adult Caregiver / Homebound Delivery patron's email address.

F. Handling requests for library account information via phone:

1. Information regarding library records will be provided over the phone only if a library barcode number is provided or if the patron can verify address or date-of-birth.
2. Information concerning overdue materials or materials placed on hold may only be given out to persons authorized by the individual cardholder who provides the barcode number from the card in question. Individuals may be asked to present identification in person to receive this information.

V. Confidentiality of Residential and Email Addresses:

A. Library patrons must supply their residential address when applying for a library card. This information is used to indicate the identity of any individual who borrows or uses library materials.

B. Library patrons are encouraged to provide the library staff with their email address for the purpose of notifying them about their library account. Patrons can also opt in to the library's e-newsletter. This information is not used in any other way. Patrons may request that their email address be removed from their record at any time. They will then receive future notifications by mail, telephone, or text.

C. Library patrons are required to provide their driver's license or photo ID for identity verification purposes when applying for a library card. Driver's license information is not collected.

VI. Confidentiality of Internet Use by Library Patrons:

A. The Mount Horeb Public Library is committed to providing privacy for our patrons who access the Internet, provided the library patrons adhere to the library's [Computer, Electronic Device, and Internet Use Policy](#). Please refer to the policy for additional information.

VII. 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 patrons.]

A. If a law enforcement officer (or anyone else) brings a subpoena [\[1\]](#) directing library staff to produce library records:



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- (1) Staff shall notify the library director, or if the director is not available, notify the highest-ranking staff person on duty.
- (2) The library director or the highest-ranking staff person should ask the municipal attorney (or library counsel) to review the subpoena.
- (3) If the subpoena has any legal defects, require that the defects be cured before records are released.
- (4) 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.
- (5) Follow legal counsel's advice for compliance with the subpoena.

B. If law enforcement officers bring a court order in the form of a search warrant [\[2\]](#):

- (1) 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.
- (2) Staff shall 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.)
- (3) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other patrons' records are disclosed.

C. If FBI agents bring a court order in the form of a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) [\[3\]](#):

- (1) 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.
- (2) Staff shall 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.)
- (3) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other patrons' records are disclosed.
- (4) 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 (FISA).

Footnotes:

[1] A subpoena is a call to come before a court, and may include a direction to bring specified records. Not all subpoenas are court orders. Your municipal attorney (or library counsel) can determine if a particular subpoena is a court order. A subpoena normally indicates that a response is required within a certain number of days. 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 patrons.

[2] A search warrant is an order signed by a judge directing a law enforcement officer to conduct a search of a designated person, a designated object or a designated place for the purpose of seizing designated property or kinds of property.



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[3] The USA Patriot Act amended the Foreign Intelligence Surveillance Act (FISA) to allow the FBI to apply for a court order requiring the "production of any tangible things (including books, records, papers, documents and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment..."