



105 PERIMETER ROAD
MOUNT HOREB, WI 53572

(608) 437-5021
MHPL@MOUNTHOREBWI.INFO
WWW.MHPL.ORG

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 users.
- 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 customers. As described in Wisconsin Statutes, 43.30 Public library records (1), all circulation and other records which identify the names of library users, especially as they connect library users 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 users include a library user's name, library card number, telephone number, 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 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).

III. Confidentiality of Library Customer by Staff and Volunteers:

A. The Mount Horeb Public Library is committed to providing the highest level of service to all library users 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 user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

IV. Confidentiality of Library Circulation Records:

A. According to the Wisconsin Statutes, 43.30 Public library records (1), records indicating the identity of any individual who borrows or uses the library's documents or other materials, or resources for services may not be disclosed.

B. The following exceptions to the confidentiality law are noted in 43.30 (1):

1. By court order (see section VII for handling of different types of court orders).
2. To persons acting within the scope of their duties in the administration of the library or library system
3. To persons authorized by the individual to inspect such records
4. To libraries as authorized under subs. (2) and (3)
5. To custodial parents or guardians of children under the age of 16 as required under sub. (4), as set forth in ACT 207, effective April 23, 2004.

C. The following guidelines will be observed in providing any records pursuant to 43.30 (4):

1. Library records to be supplied include items currently checked out, due dates for those items, overdue items, and any fines owed as well as any records that show use of the library's computers.
2. Library records not required to be supplied include address, phone number, age, etc. of a child. This information must be edited out of any record supplied to a custodial parent or guardian.
3. Library staff may request photo ID in order to determine whether the person requesting the records is the custodial parent or guardian.
4. Library staff will accept any other set of documents that demonstrates to their satisfaction that the requestor is the custodial parent or guardian of the child whose records have been requested.
5. Information regarding library records will be provided over the phone only if a library barcode number is provided or if the customer can verify address, date-of-birth, and phone number.
6. 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 customers 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 documents.
- B. General residential information, excluding the names of the individuals residing at a particular address, is used to create the library's newsletter database. This newsletter list is not sold or used for any other purpose other than as a means of distributing the library's newsletter.
- C. Library customers are encouraged to provide the library staff with their email address for the purpose of notifying them about their library account. This information is not used in any other way. Customers 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.
- D. Library customers 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 Customers:

- A. The Mount Horeb Public Library is committed to providing privacy for our customers who access the Internet, provided the library customers adhere to the library's Computer Use Policy and the library's Internet Use Policy. Please refer to these policies 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 users.]

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

[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.

[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..."