

La Crosse Public Library Privacy of Library Records and Library Use

The La Crosse Public Library protects the privacy of library records and the confidentiality of patron use of the library as required by relevant laws. The library is committed to the protection of personal privacy by keeping information confidential that identifies library users and their use of library books, materials, facilities, services, and assistance from staff.

This confidentiality extends to information sought or received, including library materials consulted or borrowed, database search records, reference interviews, circulation records, registration records and all other personally identifiable uses of library materials, facilities, or services.

In addition, the La Crosse 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.

Definition of Terms

- (1) Privacy is the right to seek information through library resources without having the subject of interest known or examined by others.
- (2) Confidentiality exists when the library possesses personally identifiable information and keeps that information private on the patron's behalf.
- (3) Personally identifiable information is information such as name, birth date, library card number, e-mail or mailing address, telephone number, or any financial information relating to a patron and his or her accounts.

Legal requirements

The relevant Wisconsin laws concerning the confidentiality of library records are Wisconsin Statutes Section 43.30 and the Wisconsin Personal Information Practices Act (Sections 19.62 to 19.80).

Under Section 43.30, library records which indicate the identity of any individual who borrows or uses the library's documents or other materials, resources or services may *only* be disclosed:

- (1) with the consent of the individual library user, or
- (2) by court order, or
- (3) to custodial parents or guardians of children under the age of 16, or
- (4) to persons acting within the scope of their duties in the administration of the library or library system, or
- (5) to other libraries (under certain circumstances) for interlibrary loan purposes [see ss. 43.30(2) and (3)].

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."

Records indicating the identity of library users include a library users name, birth date, physical image, library card number, social security number, telephone number, street address, post-office box number or 9-digit extended zip code.

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).

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 users under the following conditions:
 - a) disclosure to staff members of the La Crosse Public Library, and the staff of other libraries and library systems only according to written procedures that comply with the laws cited above and that are approved by the director
 - b) disclosure as authorized by the individual library user
 - c) disclosure to custodial parents or guardians of children under the age of 16 [ss. 43.30(4)] (see below for 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 order¹
- (2) Library staff must refer all requests for library records and all requests for information about particular library users to the library director or the library director's designee.
- (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 their job duties and in accordance with procedures approved by the library director and/or board.

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 767.24(4). The Library staff will:

- (1) request identification
- (2) if the requestor is the parent or guardian listed on the child's library record and the requestor resides at the same address, the staff may provide the requested information; otherwise the staff will
- (3) obtain a completed and signed "Request for Access to Child's Library Record" form to help ensure that the requestor is indeed the child's custodial parent or guardian and that the requestor has not been denied periods of physical placement with the child under s 767.24(4).
- (4) The staff may then grant the request or refer the request to the Library Director or designee.

¹ 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."

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

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

Items on hold

Items placed on hold for library patrons are shelved for pick-up on shelving units in the public space, using a code that protects patron privacy. Patrons of any age may choose to have other people pick up their holds. Holds will be checked out to the account of the requesting patron. The person picking up the hold should have the physical or digital card, or be able to verify the account information of the requester.

Library Photos

The library takes photos at library programs, and they may be posted to the website or used in promotions. Patrons are advised to step to the side or notify library staff members if they do not wish to be in photographs.

As a public space, it is legal for members of the public to photograph or videotape anyone in public view inside the facility or on library property. To help ensure all users have a safe and unobstructed experience, all users are expected to follow the board approved [Patron Expectations and Behavior Guidelines](#).

Websites

The library's website contains links to other sites including third party vendor sites. The library is not responsible for the privacy practices of other sites that may be different from the privacy practices described in this policy. The library encourages library users to become familiar with privacy policies of other sites visited, including linked sites.

The library website does not collect personally identifying information from visitors to the website unless the patron requests a service via the library website. The library may collect non-personal information from visitors to the website for statistical analysis, site assessment, server performance, authentication, troubleshooting, and other management purposes. Examples of non-personal information collected include but may not be limited to Internet Protocol (IP) address of the computer, geographical location of the network used to link to the library's site, and time and date of the access. There is no link to personally identifiable information in computer communications, unless a patron has provided that information in the content of a transaction, for example, filling out an online form to request a service.

The library uses temporary "cookies" to maintain authentication when a patron is logged in to the online catalog. A "cookie" is a small text file that is sent to a user's browser from a website. The cookie itself does not contain any personally identifiable information. Other electronic services offered by the library through third party vendors may use "cookies" to help control browser sessions. Websites may use the record of "cookies" to see how the website is being

accessed and when, but not by whom. To learn more about cookies and protecting privacy online visit OnGuard Online.

Library database users are asked for their library card number to ensure that only authorized users have access. Database vendors do not have access to any user records or information.

The library and the library system work with a variety of partners to provide e-content (e.g. e-books, e-audios, e-music, e-videos, e-magazines) to users. Prior to checking out any of the library's e-content, users should read the privacy policy of the company that is providing the service. For example, users who check out e-books from the Wisconsin Digital Library for use on their Kindle (or via a Kindle app) will receive those e-books via Amazon. Amazon's privacy policy describes the kind of information that is collected and stored in connection with such transactions. However, all other e-book formats within the Wisconsin Digital Library collection do not collect this information.

Wireless Access

The library offers free wireless access (Wi-Fi) for library patrons to use with their own personal electronic devices. A patron's use of this service is governed by the library's Wireless Internet Use Policy.

As with most public wireless networks, the library's wireless connection is not secure. Any information being transmitted could potentially be intercepted by another wireless user.

Cautious and informed wireless users should choose not to transmit personal information (credit card numbers, passwords and any other sensitive information) while using any wireless network.

Use of the library's wireless network is entirely at the risk of the user. The library disclaims all liability for loss of confidential information or damages resulting from that loss.

Illegal Activity Prohibited and Not Protected

Patrons may conduct only legal activity while using library resources and services. Nothing in this policy prevents the library from exercising its right to enforce its Patron Rights and Responsibilities, protect its facilities, network and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes. The library can electronically log activity to monitor its public computers and external access to its network and reserves the right to review such logs when a violation of law or library policy is suspected. Staff is authorized to take immediate action to protect the security of library patrons, staff, facilities, computers, and the network. This includes contacting law enforcement authorities and providing information that may identify the individual(s) suspected of a violation.

Enforcement and Redress

Patrons with questions, concerns, or complaints about the handling of his/her personally identifiable information or this policy may file written comments with the Library Director. A response will be sent in a timely manner and the library may conduct an investigation or review of practices and procedures. The library conducts such reviews as necessary to ensure compliance with the principles outlined in this policy.

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.]

If a law enforcement officer (or anyone else) brings a **subpoena**² directing library staff to produce library records:

- (1) 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.

If law enforcement officers bring a court order in the form of a **search warrant**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) 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.

If FBI agents bring a court order in the form of a **search warrant issued under the Foreign Intelligence Surveillance Act (FISA)**⁴:

- (1) Notify the library director, or if the director is not available, notify the highest-ranking staff person on duty.
- (2) 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.
- (3) 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.)

² 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.

³ 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.

⁴ 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..."

- (4) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.
- (5) 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).**