

LIBRARY PRIVACY ACT COMPLIANCE

The Auburn Hills Public Library Board, Administration and staff will preserve the privacy of circulation records and related patron information as permitted by law. Circulation records of the Auburn Hills Public Library shall be released or disclosed only as provided for under the conditions stated in this policy and applicable law including the Library Privacy Act, MCL 397.601-606.

Library staff shall not release library records to any person other than the patron named in the record (the cardholder). A record of items may be released to the parent or guardian of a minor in an effort to secure the return of currently checked-out items (Library Privacy Act Amendment 1996, PA 188). In all other cases, no record of library material requested or obtained can be released to anyone without a court order or written permission. Names, addresses, and phone numbers of library users are also protected by the Privacy Act and may not be released without a court order.

Records Protected by the Michigan Library Privacy Act: In statute MCL 397.602, a “library record” is defined as “document, record, or other method of storing information retained by the 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.” 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, i.e. material usage counts, age and gender demographics, etc.

PROCEDURES FOR PROTECTION OF LIBRARY PRIVACY:

Michigan Library Privacy Act- State and Local Government Requests

1. **Notification of the Library Director:** Any employee of the Auburn Hills Public Library who receives a request, or who is served with a subpoena, court order, or other legal document, from a state or local governmental authority, requesting the release or disclose any library records, shall promptly notify the Library Director or designee and shall not take any action of any kind, other than to proceed with that notification. In the event that the Library Director or designee is not available, notification should immediately be given to the Auburn Hills Board Chair or Vice Chair.
2. **Action by the Library Director:** The Library Director or designee shall, in a timely manner, receive and review all subpoenas, court orders, search warrants or other legal documents from a *state or local government authority* requesting the release of library

patron records, or requiring the disclosure of any information from a library patron's record, shall immediately consult the library's attorney to verify authenticity of said legal documents presented *by a state or local governmental authority*. When verification of the authenticity has been established by legal counsel, the Library Director shall respond in an appropriate manner.

3. **Requests for Library Records:** The Library Director or designee shall deny, in writing, all requests for the release or disclosure of library records, as defined under the Michigan Library Privacy Act, unless the Library Director or designee has received a written consent from the person liable for payment of the materials identified in that library record.
4. **Court Order for Release of Library Records:** The Library Director or designee shall comply fully with a court order to release or disclose library records if that court order was properly obtained under Section 3(2) of the Library Privacy Act (MCL 397.603).
5. **Authority for Policy:** The authority for this policy is the Michigan Library Privacy Act 1982 Public Act 455, MCL 397.601-397.606. Library records protected by the Michigan Library Privacy Act are exempt from disclosure under the Freedom of Information Act (MCL 397.603 and MCL 15.243[d]).

USA PATRIOT ACT-FEDERAL GOVERNMENT REQUEST (for Federal authorities)

1. **Notification of the Library Director:** Any employee of the Auburn Hills Public Library who receives a request, or who is served with a subpoena, court order, search warrant or other legal document *from a federal government authority*, requesting the release of library patron records, or requires the disclosure of anything from a library patron's record, shall immediately notify the Library Director or designee and shall not take any action of any kind, other than to notify the Library Director or designee. In the event that the Library Director or designee is not available, notification should immediately be given to the Auburn Hills Public Library Board Chair or Vice Chair.
2. **Action by the Library Director:** The Library Director shall immediately consult with the Library's attorney (or appropriate authorized official) to verify authenticity of said legal documents presented *by a federal government authority*. When verification of authenticity has been established, the Library Director shall, as required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Sections 215 and 216), comply fully with a *federal government*

court order or search warrant to disclose or release library patron records and information.

As further required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Section 215 and 216), the Auburn Hills Public Library Director, as well as the library staff member involved in providing the requested library records, shall not disclose to any person, including the individual whose library patron record was seized, the existence of the court order or search warrant, or the fact that the person's library patron record was produced as a result of the court order search warrant. Note: The government can prosecute the Library Director and any library staff member for disclosing such information under these circumstances.