

Appleton Public Library

Privacy Policy

Purpose

To describe library users' privacy rights with regard to Library facilities and services.

Policy

1. Library records are confidential, per Wis. Stat. 43.30. In general, these records may only be disclosed to library staff acting within the scope of their duties, with the consent of the user, to custodial parents or guardians of children under 16, or by court order.
2. Library records protected under Wis. Stat. 43.30 include:
 - a. circulation records
 - b. workstation logs
 - c. security videos
 - d. information sought or received
 - e. materials consulted, borrowed or acquired
 - f. database search records
 - g. interlibrary loan records
 - h. other uses of materials, facilities, programs or services
 - i. reference interviews
 - j. program registration information
 - k. signup sheets
 - l. material complaint forms
 - m. emails
 - n. voicemails
 - o. correspondence about Library use
 - p. any other such records, with personally identifiable uses of materials, facilities, programs or services, that may be accumulated.
3. When library records are disclosed, personally identifiable information must be deleted or obscured, except as provided under provisions of section 43.30.
4. The Library may disclose information to appropriate legal authorities involved in securing the return of, or payment for, library materials with authorization from the Library Board and subject to review by the City Attorney's office.
5. The Library may disclose information to cooperating libraries to assist patrons and provide interlibrary loans.
6. To ensure safety and security of the public and the staff, the Library will monitor public behavior using staff and security equipment.

7. Violations of Library rules and policies may be recorded in a log. These records may be shared with the police or other authorities with consent of the patron or a court order.
8. Parents or guardians requesting records of children under 16 may be asked to provide proof of custodial authority and that they have not been denied periods of physical placement under s. 767.24(4). Examples of proof include a valid library card or government agency-issued photo ID showing the same address as the child, or other documents that demonstrate custodial responsibility. Requests will be complied with as soon as practicable. Requestors who are denied access may appeal to the Library Director or Library Board.
9. Identification may be required for use of Library services, such as issuing cards, updating a card when mail has been returned, reserving materials, registering for programs, using computers or using a meeting room. This information is privileged under Wis. Stat. 43.30. Identification may be necessary for safety and security purposes or when Library rules have been violated. Refusal to identify oneself may be grounds for denial of service or contacting the police.
10. If there is cause to believe that a criminal act has been committed on Library property or with Library resources, the Library will cooperate with law enforcement authorities to obtain patron consent or a court order for release of privileged Library records for criminal investigation and prosecution.
11. Identification by sight and direct verbal communication by staff are not protected by the law, which specifies that “library records” are protected. Staff should be mindful that the spirit of the law is to regard verbal service to patrons, such as reference interviews as privileged, unless there is a violation of law or policy.
12. Library staff will cooperate fully with law enforcement to the extent allowed by law, but is not permitted to share information about use of resources and services except as necessary for the performance of their duties and in accordance with policies approved by the Library Director and/or Board.
13. The Library shall observe the following guidelines with regard to the handling of court orders, including all search warrants and those subpoenas which constitute a court order:
 - a. Subpoenas shall be referred to the Library Director, or if the Director is not available, the Assistant Director, Building Supervisor or Librarian in Charge.
 - b. Library staff shall comply with search warrants to ensure that only the records identified in the warrant are produced and that no other users’ records are disclosed.
 - c. Should FBI agents bring a court order in the form of a search warrant issued under the Foreign Intelligence Surveillance Act (FISA), staff may not 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).

- d. Library staff receiving a court order as a subpoena or search warrant may involve Library Administration and supervisors in determining what is necessary to comply without violating any nondisclosure restrictions, and may request that the City Attorney's office have an opportunity to review the court order before complying. Staff should be aware, that in the case of a search warrant, law enforcement officials are not required to comply with this request.

--adopted by the Library Board of Trustees, May 8, 2002.

Revised June 12, 2002; July 14, 2004; June 12, 2007.