APPLETON PUBLIC LIBRARY

PRIVACY POLICY

PURPOSE

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

POLICY

1. The library protects the privacy of records and the confidentiality of patron library use as required by law. Library records are confidential, per Wis. Stat. 43.30. Except for the exceptions listed below, no one may have access to the library records of another patron. Exceptions:

    a. Persons acting within the scope of their duties in the administration of the library or library system. This scope includes staff investigations of alleged criminal behavior by patrons on library property as well as staff exchanging information with local authorities or other libraries in an effort to enforce appropriate behavior in the library.

    b. Persons authorized by the individual to inspect their records.

    c. Custodial parents or guardians of children under 16.

    d. An agency, individual or any local, state or federal government pursuant to such a process, order or subpoena as may be authorized under the authority of, and pursuant to federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigatory power.

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, or in accordance with any change in law which supersedes current policy.

13. The library shall observe the following guidelines with regards to the handling of court

orders, including all search warrants and those subpoenas which constitute a court order:

a. Court orders shall be referred to the library director or their designee whose response will be informed by the advice of the city attorney.

b. Library staff shall comply with search warrants to ensure that only the records identified in the warrant are produced and that no other patron records are disclosed.

c. Library staff will keep information that it collects confidential to the fullest extent that federal, state and local laws allows.

d. Staff will comply with nondisclosure restrictions such as those provided by the Foreign Intelligence Surveillance Act (FISA) and the USA Patriot Act provisions.

14. APL utilizes Radio Frequency Identification (RFID) technology as a materials inventory and security tool.

    a. In compliance with American Library Association best practices, the only information stored on the RFID chip/tag will be limited to a unique identifier for the item (such as the item barcode), a code that identifies whether the item can circulate or not, as well as a security bit that indicates if the item is in or out of the library. The public is unable to search by the unique identifier, therefore only persons acting within the scope of their duties in the administration of the library or library system can determine the title of the item attached to the barcode.

    b. RFID technology will not be used for library cards.

    c. All local, state or federal legislation relating to RFID and library usage will be fully complied with by APL.

15. The library has video surveillance cameras inside the building that reside on the library's network which may only be accessed by those so authorized by the director for bona fide technical, library, or legal reasons as determined by the state statues. Video surveillance data are considered to be protected public library records. State statutes carefully define law enforcement officials' authority to view surveillance data:

    a. 43.30(5)(a) Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or part by public funds, the library shall disclose to the law enforcement officer all records pertinent to the alleged criminal conduct that were produced by a surveillance device under control of the library.

    b. 43.30(5)(b) If a library requests the assistance of a law enforcement officer, and the director of the library determines that records produced by a surveillance device under the control of the library may assist the law enforcement officer to render the requested assistance, the library may disclose the records to the law enforcement officer.

c. Cameras on the outside of the library reside on the City of Appleton's network and may be viewed by City of Appleton personnel including law enforcement.

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