

Policy 480

Law Enforcement Requests for Library Records and User Information

The Sugar Grove Public Library District ("Library") will uphold First and Fourth Amendment freedoms, professional ethics, and state law when responding to law enforcement requests for user information.

LIBRARY PUBLIC SPACE ACCESS:

Law enforcement, including Immigration & Customs Enforcement ("ICE") agents may access and remain in public areas. Staff will not impede access to public space and the library code of conduct applies in order to minimize disruptions.

In the event a law enforcement officer or ICE agent wishes to access non-public areas, the person in charge of the Library will verify the agent's name and badge number, contact the Library Director and the Library's legal counsel, and retain a copy of the official document for the incident report. An officer or agent must have a verifiable subpoena, court order, or duly executed signifier of statutory authority as required by law to search in non-public areas.

If there is no documentation, they do not have consent to enter the nonpublic area of the facility.

Staff should not obstruct or fail to comply with lawful requests. This includes assisting individuals in hiding or escaping or making a false statement to law enforcement.

LIBRARY USER RECORDS AND USER INFORMATION ACCESS:

The Library adheres to 75 ILCS 70/ Library Records Confidentiality Act (see full act below), when responding to law enforcement requests for user information. All requests for user information are protected by law and require a subpoena, court order, or duly executed signifier of statutory authority.

Library employees will not attempt to determine whether a subpoena, court order, or duly executed signifier of statutory authority is valid; however, whenever possible, such documents should be reviewed by the library's lawyer prior to user information being disclosed.

"User Information" includes: a user's name, contact information, library card number, program participation, demographic information, records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, the use of audio-visual materials, films or records, and library security camera footage. This can be written information or information provided in a conversation, or information in another format. Library user information also includes whether the person is in the building at the time of the visit.

(75 ILCS 70/) Library Records Confidentiality Act.

(75 ILCS 70/1) (from Ch. 81, par. 1201)

Sec. 1. (a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

- (1) required to do so under a court order; or
- (2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

(b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 95-40, eff. 1-1-08.)

(75 ILCS 70/2) (from Ch. 81, par. 1202)

Sec. 2. This Act may be cited as the Library Records Confidentiality Act.

(Source: P.A. 86-1475.)