

RIPON PUBLIC LIBRARY POLICY ON DISCLOSURE OF LIBRARY RECORDS

Statutory Requirements:

Wisconsin statute 43.30(1) states:

Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 as required under sub. (4), or to libraries as authorized under subs. (2) and (3).

43.30 (4) Upon request of a custodial parent or guardian of a child who is under the age of 16, a library supported in whole or part by public funds shall disclose to the custodial parent or guardian all library records relating to use of the library's documents or other materials, resources, or services by that child.

Library Policy

It is the policy of the Ripon Public Library to preserve the confidentiality of the registration and use records of its patrons to the fullest extent permitted by law. Information regarded as confidential under Wisconsin law includes, but is not limited to, borrower's registration information, information regarding items checked out, information regarding items requested through interlibrary loan, reference or readers' advisory questions, and attendance or participation in library programs.

Parental Access to Records of Minors

Custodial parents and legal guardians may inspect records of library use by their children who are under 16 years of age.

Library staff will provide the requested records upon verification that the person making the request is the custodial parent or legal guardian of the person whose records are being requested.

To certify their legal relationship to the child whose records are being requested, parents or guardians requesting records may be required to sign the library form, "Custodial Parent/Guardian Certification for Access to Children's Records." The library will retain this form, but may require persons making requests to fill one out every time such a request is made.

In addition, a government agency-issued photo ID showing that the person making the request lives at the same address as the child may be accepted as proof of the required

legal relationship. In cases of the person requesting the records not having identification with the same address as the child, a court order of divorce which names the children may be accepted. The library will also accept other documents or combinations of documents that demonstrate that the requestor is the custodial parent or guardian of the child whose records have been requested. If the library employee receiving the request is not able to determine the qualifying identity and relationship from the documents provided, the matter may be referred to the library director or the city attorney.

Records of a child's use of the library should not include the person's name, age, address or telephone number. This information should not be required by a parent, and for the safety of the child, will not be released without a court order.

Requests By Legal Authorities

Any employee of the Library who receives a request—or who is served with a subpoena, court order, or search warrant—to release or disclose any library record shall promptly notify the library director.

In the immediate absence or unavailability of the director, all requests for information will be referred to the circulation shift supervisor who will contact the city attorney to review the request.

The library staff member dealing with the request will ask to see the official identification of the person making the request and should carefully examine this identification. If it appears that the identification is not legitimate, the staff member should immediately contact the Ripon Police Department.

In accordance with Wisconsin Statute, confidential information may not be released unless the request is accompanied by a court order.

The library director shall, in a timely manner, review all requests and orders, consult with the library's attorney as necessary, and respond in an appropriate manner to each request and order. If the library's attorney determines that a request or order is not in the proper form, or if good cause has not been shown, insistence shall be made that such defects be corrected before any records are released.

General Information:

- The director should document all disclosure activity. In the case of Patriot Act concerns, any costs incurred by the library should be documented.
- Court orders and subpoenas will likely specify a time period within which information or other materials are to be provided; library staff should comply

with this request but should not feel hurried into providing the information sooner than required.

- Search warrants are to be acted upon immediately, and should state what is being requested and that the warrant involves removing items from the premises.

During the visit:

- The director or designated contact person should meet with the agent with library legal counsel or a colleague in attendance in some conveniently private location.
- If the officer or agent does not have a court order compelling the production of records, the director or designated contact person should inform the officer or agent that in compliance with Wisconsin statute, library records may not be released without the person's consent except when a court order has been presented.
- If library property is removed as the result of a search, library staff should make a complete list of all items removed, including serial numbers. Library staff will request a receipt, or receipts, for any property removed.

If the court order is in the form of a subpoena:

- If a court order is served, the director or designated contact person will accept the order, and immediately refer it to legal counsel for review.
- Legal counsel should examine the subpoena for any legal defect, including the manner in which it was served on the library and the breadth of its request.
- The library shall, through legal counsel, insist that any defect be corrected before records are released and that the subpoena is strictly limited to require release of specifically identified records or documents.

If the court order is in the form of a search warrant:

- A search warrant can be executed immediately. The officer or agent may begin a search of library records as soon as the director or designated contact person is served with the court's order.
- Even if there is an immediate demand to remove materials or information, library staff may reasonably request time to attempt to contact legal counsel, for legal council to have time to examine the warrant, and for legal counsel to be present during a search.
- Library staff should cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records, or other library equipment, are viewed, scanned, or confiscated.

If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment):

- General regulations for a search warrant apply. However, a search warrant issued by a FISA court will likely contain a “gag order.” No person or institution served with such a warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant.
- The gag order does not eliminate the library’s right to legal representation during the search. The library can still seek legal advice concerning the warrant and request that the library’s legal counsel be present during the actual search and execution of the warrant.
- Any questions about the incident from the press or any other individuals should be referred to the Library director.

If the court order requests a list of patrons who have checked out certain items, or information regarding what a patron has checked out in the past:

- Once an item has been checked in, the link between the patron record and the item record is broken and this information cannot be retrieved by library staff. The director should refer these questions to WALIS staff, who will be able to determine if this information is still available in the system.

Library staff shall not attempt to stop a search by any legal authority, but should call the police department if it is being conducted improperly.

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