

## **CONFIDENTIALITY POLICY: DISCLOSURE OF LIBRARY RECORDS**

### **I. Policy; Library Records.**

It is the policy of the Bad Axe Area District Library to preserve the confidentiality and privacy of Library Records to the fullest extent permitted by law. A "Library Record" pursuant to the Michigan Library Privacy Act and for the purpose of this policy means

a document, record, or other method of storing information retained by a 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.

For example, a Library Record would include, but not be limited to, surveillance video, patron circulation records, internet browsing history and program attendance records. "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. The Library Director shall be responsible for determining whether a particular document or video surveillance footage meets the definition of "Library Record."

The Library takes seriously its obligation to protect the privacy of every patron, as required by law, even if this commitment to patron's privacy may appear to cause inconvenience on occasion. To that end, Library Records or other confidential information shall be released or disclosed only as provided for herein or otherwise provided by Michigan or federal law.

### **II. Freedom of Information Act Requests.**

All requests for public records that are not subpoenas or other legal process must be processed according to the Michigan Freedom of Information Act ("FOIA") and the Library's FOIA Procedures and Guidelines. See FOIA Procedures and Guidelines and Written Summary for additional information.

### **III. Subpoenas, Court Orders or other Legal Process.**

Any employee of the Bad Axe Area District Library who is served with a subpoena, court order, or other legal process to release or disclose any Library Record or other library document from: (1) a State or Local law enforcement agency; or (2) a Federal law enforcement agency shall promptly notify the Library Director, or his or her designee. If neither is available, the Library Board Chair shall be contacted.

A. **Consultation with Attorney.** The Library Director, his or her designee, or the Board Chair has the authority to consult with legal counsel regarding the sufficiency, scope or any other matter related to the subpoena, court order or other legal process.

- B. **Action by Library Director.** After review of the subpoena or court order the Library Director, his or her designee, or the Board Chair shall take appropriate action to respond.
- C. **Opportunity to be Heard.** The Library may appear and be represented by counsel at a hearing regarding the subpoena.
- D. **Confidentiality.** If a subpoena, court order or other legal process is submitted to the Library, the Library shall keep the subpoena, court order or other legal process confidential if required by court order, Michigan law or federal law. To that end, the Library may not be able to inform the patron that his or her records were sought. The Library Board acknowledges that the Library Director, if required by a non-disclosure order or law, may not be permitted to inform the Board or its individual members that a local, state or federal agency has sought or obtained requested records.

#### **IV. Consent.**

In compliance with the Michigan Library Privacy Act, a person who is liable for the payment or return of materials identified in a Library Record or portion of a record may provide written consent for the release of that record. Further, a parent or legal guardian who agrees in writing to accept legal responsibility for return of his/her child's (under the age of 18) library materials and accepts financial liability for that child's library fines and other charges, may authorize the disclosure of the minor's library records by signing a disclosure and release statement granting consent on behalf of the minor.

#### **V. Record Review and Retention.**

In compliance with Michigan law, the Library shall manage and dispose of its records pursuant to the record retention policy applicable to libraries as approved by the Michigan Department of History, Arts and Libraries and the State of Michigan Records Management Services and the State Administrative Board, General Schedule #17 (GS#17). In addition, General Schedule 1 (GS#1) may be used to define non-record materials. The Library Director or his or her designee shall be responsible for the proper storage, retention, and disposal of records in accordance with this policy.