

The St. Francis Public Library Privacy Policy

Privacy Statement

An important principle of the St. Francis Public Library is protecting patron privacy and keeping confidential the information that identifies individuals or that associates individuals with their use of Library books, materials, equipment, programs, services, facilities, and/or staff assistance. This policy affirms the Library's commitment to privacy and explains the information that the Library collects. In addition this policy alerts visitors to Library facilities, as well as users of remotely accessed Library services, about the privacy choices available to them.

Definition of Terms

- **Patron** refers to an individual who makes use of the Library's documents or other materials, resources or services regardless of whether such individual has created an account with the Library.
 - **Patronize** refers to an individual's use of the library's documents or other materials, resources or services.
 - **Privacy** is the right of an individual to patronize the Library without having their identity disclosed by the Library to others.
 - **Confidentiality** exists when the Library possesses personally identifiable information and keeps that information private on the patron's behalf.
 - **Personally identifiable information** is information that can be associated with a particular individual through one or more identifiers or other information or circumstances such as, for example, an individual's name, library card number, e-mail or mailing address, telephone number, or any financial information relating to a patron and his or her accounts.
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Legal Protections and Exceptions

Wisconsin law has strong protections in place to assist the Library in keeping records confidential. Staff members are provided training in handling requests from law enforcement. The staff procedure can be found in the policy manual.

The relevant Wisconsin laws concerning the confidentiality of library records are Wisconsin Statutes § 43.30 and the Wisconsin Personal Information Practices Act (§ 19.62 to 19.80). Library records include any record of use of library materials, resources, or services.

Wisconsin Statute § 43.30 requires that library records may only be disclosed under the following circumstances:

1. With the consent of the individual patron;
2. Upon the request of a custodial parent or legal guardian of a child under 16 years of age, the Library shall disclose all library records relating to the use of the Library's documents or other materials, resources or services by that child.
3. Pursuant to a subpoena or court order.

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4. Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at the Library, 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 the control of the library;
5. If the 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.
6. To persons acting within the scope of their duties in the administration of the Library or Milwaukee County Federated Library System (MCFLS);
7. To other libraries for interlibrary loan purposes in accordance with the standards set forth in Wisconsin Statue § 43.30(2) and (3);
8. For a patron having a delinquent account, the library may only disclose the individual's name, contact information, the amount owed to the Library, and the quantity and types (but not the titles) of documents or materials that are overdue to a collection agency or, where the delinquent account equals \$50 or more, to a law enforcement agency.

In certain circumstances, Library records may be subject to disclosure to a law enforcement officials under provisions of state law or federal law under the provisions of the **USA Patriot Act (Public Law 107-56)**. In accordance with the USA Patriot Act, public libraries must allow an immediate search and possible seizure of equipment or information if presented with a FBI National Security Letter or Foreign Intelligence Surveillance Act Warrant.

Library Records

The Library avoids creating unnecessary records and retaining records longer than needed for Library business purposes.

1. To receive a library card, patrons are required to provide identifying information such as name, birth date, picture ID, and a physical address as well as mailing address (if different). The identifying information is retained, as long as the library user continues to use the library card. The Library does not record or save any patron's Social Security numbers or State Drivers' License numbers.
2. A patron's circulation record includes current identifying information, as well as items currently checked out or on hold, and any overdue materials and fines.

When an item is returned, it is removed from a patron's checkout list. However, patrons who themselves sign up for the reading history service will have their checkout history saved instead of purged. Any patron has the option to turn off the history service and delete their checkout history at any time. Library staff do not have access to a patron's checkout history.

3. The Library System software retains a rolling list of the last five patrons to check in material on each item record. This data is automatically removed once the patron's data goes beyond the five maximum entries.

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4. The Library may also gather information necessary to provide a requested service to an individual including, but not limited to, the following examples:

- ❖ Records of electronic access information such as the library card or guess pass number used to log onto library public computers or search a library database.
- ❖ Records for interlibrary loan requests or reference services.
- ❖ Records needed to sign up for or participate in library classes and programs.
- ❖ Records for use of meeting rooms.
- ❖ Records for receiving emails and /or text messages about library services and programs.

Once there is no longer a need for the information, personally identifying records are destroyed. Emails sent to Library staff may be subject to Wisconsin's Public Records Law.

5. The Library treats records of patrons as confidential in accordance with Wisconsin State Statute § 43.30. **The Library will not collect or retain private and personally identifiable information without the patron's consent. If consent to provide personally identifiable information is given, the Library will keep it confidential and will not sell, license or disclose it to any third party, except for purposes described by the law.**

Access to Accounts and Patron Responsibility

Protecting a Patron Account

It is the patron's responsibility to notify the Library immediately if their library card is lost or stolen or if he or she believes someone is using their card or card number without permission. The Library recommends these precautions:

- Log off systems after use;
- Don't share the library card, user IDs, or passwords;
- Change any assigned passwords when registering for a library card;
- Select passwords which are easy to remember, but difficult for others to guess by including a mixture of number, symbols, and /or upper and lowercase letters.

Keeping Account Information Up-To-Date

A patron who has an account may access the personally identifiable information held by the Library pertaining to them and is responsible for keeping that information accurate and up-to-date. The purpose of accessing and updating personally identifiable information is to ensure that library operations can function properly. A patron may view or update his/her personal information in person. He or she will be asked to provide some sort of verification or identification card to ensure verification of identity prior to such access being given.

Parents and Children

For the protection of patron privacy, a parent or guardian seeking records of their minor child, under age 16, will be asked to provide proof of their identity, the child's age, and evidence they are the custodial parent or guardian as defined by Wisconsin Statute Statute § 43.30(1b)(ag). Wisconsin State Statute § 43.30(4) allows this access for custodial parents of only those children who are under age 16.

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Items on Hold

Items placed on hold for patrons are shelved in a staff controlled area of the Library. Patrons may designate other individuals to have permission to pick up their holds, according to the policies of the Library.

Public Computer Use and the Library's Automation Systems

The Library routinely and regularly purges information that may be linked to patrons, such as information from web servers, mail servers, computer time management software, interlibrary loan requests, and other library information gathered or stored in electronic format.

The Library System maintains the online catalog and a number of databases. The Library System automatically collects and maintains statistical information about patrons' visits to the library catalog and databases. This information includes the IP address used by the patron, the computer and web browser type, the pages used, the time and date, and any errors that occurred. This information is used for internal reporting purposes and patrons are not normally identified. Network traffic is monitored to identify unauthorized attempts to upload or otherwise damage the web service. If a patron chooses to pay fines and fees via credit card, the credit card number is not stored in the user's library account; it is simply passed through to the payment processor.

Websites

The Library's website contains links to other sites including third party vendor sites. The Library is not responsible for the privacy practices of other sites, which may be different from the privacy practices described in this policy. The Library encourages patrons to become familiar with privacy policies of other sites visited, including linked sites.

The library website does not collect personally identifying information from patrons utilizing the Library's website unless the patron requests a service via the Library website. The Library may collect non-personal information from visitors to the website for statistical analysis, site assessment, server performance, authentication, troubleshooting and other management purposes. Examples of non-personal information collected include Internet Protocol (IP) address of the computer, the type and version of browser and operating system the computer uses, geographical location of the network used to link to the Library's site, and time and date of the access. There is no link to personally identifiable information in computer communications, unless a patron has provided that information in the content of a transaction, for example, filing out an online form to request a service.

The Library uses temporary "cookies" to maintain authentication when a patron is logged in to the online catalog. A "cookie" is a small text file that is sent to a user's browser from a website. The cookie itself does not contain any personally identifiable information. Other electronic services offered by the Library through third party vendors may use "cookies" to help control browser sessions. Websites may use the record of "cookies" to see how the website is being accessed and when, but not by whom.

Library database users are asked for their library card number to ensure that only authorized users have access. Database vendors have controlled access to user information for the sole purpose of authentication to their resources.

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The Library and the Library System work with a variety of partners to provide digital content to patrons. Prior to checking out any of the Library's digital content, patrons should be aware of the privacy policy of the company that is providing the service.

Wireless Access

The Library offers free wireless access (Wi-Fi) for library patrons to use with their own mobile devices. These access points are unsecured. A patron's use of this service is governed by the Library's internet policy.

Due to the proliferation of Wi-Fi networks, patrons may also be able to access other Wi-Fi networks within the Library that are not provided by the Library. Use of these non-Library wireless networks within the Library's facilities is also governed by the Library's internet policy.

As with most public Wi-Fi, the Library's Wi-Fi is not secure. Any information being transmitted could potentially be intercepted by another Wi-Fi user. Use of the Library's Wi-Fi is entirely at the risk of the patron. The Library disclaims all liability for loss of confidential information or damages resulting from that loss.

Other services

Some patrons may choose to take advantage of RSS feeds from the Library's website, hold and overdue notices via e-mail or text message, and similar services that send personally identifiable information related to library use via public communication networks. Patrons should also be aware that the Library has limited ability to protect the privacy of information once it is outside the Library's control.

Library Photos

The Library has the right to take photos, videos, and other recordings of patrons/visitors while on Library property and to use such photos, videos, and recordings to promote awareness of the Library and its programs and services and for purposes of cooperating with law enforcement personnel as permitted under Wis. Stat. § 43.30. No photo, video or recording, however, shall be published that has the effect of disclosing the specific title or content of materials utilized by a patron.

Illegal activity prohibited and not protected

Patrons may conduct only legal activity while using library resources and services. Nothing in this policy prevents the Library from exercising its right to enforce its Rules of Behavior, protect its facilities, network, and equipment from harm, or prevent the use of Library facilities and equipment for illegal purposes. The Library can electronically log activity to monitor its public computers and external access to its network and reserves the right to review such logs when a violation of law or Library Policy is suspected. Staff is authorized to take immediate action to protect the security of library patrons, staff, facilities, computers and the network. This includes contacting law enforcement authorities and providing information that may identify any individual(s) reasonably suspected of a violation.

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Enforcement and redress

Patrons with questions, concerns, or complaints about the handling of their personally identifiable information or this policy may file written comments with the Library Director. A response will be sent in a timely manner. The Library Director shall report concerns or complaints to the Library Board which may conduct an investigation or review of practices and procedures. The Library Board may conduct such reviews as it deems necessary to ensure compliance with the principles outlined in this policy.

Policy Changes

This Privacy Policy may be revised to reflect changes in the Library's policies and practices or to reflect new services and content provided by the Library. Patrons are encouraged to check this document periodically to stay informed of the Library's current privacy guidelines.

Procedures for Complying with Law Enforcement Requests for Information

The Library staff will comply with requests for patron information received from law enforcement when such request is made in the form of a subpoena, search warrant, or upon receipt of an order signed by a court having jurisdiction.

Staff Procedure

- Staff receiving any request will **immediately** contact the Director. In the Director's absence, the highest ranking person on duty is responsible for working with the requestor.
- Law enforcement officers may be requested by the Library Director, or designee, to provide official identification and will photocopy the ID.
- If the law enforcement officer does not have a subpoena, search warrant, or court order compelling the production of records, the director or designate shall explain the confidentiality of Library records under Wis. Stat. § 43.30. The Library Director or designee will thereafter request that the law enforcement officer obtain the necessary documentation.
- If the law enforcement officer presents a **subpoena**, the Library Director, or designee, will contact Library legal counsel and the MCFLS Office for review. MCFLS is the sole point of contact for any surrender of Library System-held information or borrowing data.

Consistent with Wis. Stat. § 43.30 and the Library's Privacy Policy, the provisions of this procedure shall not be construed to prevent disclosure of information where any of the following apply:

- Requested by law enforcement officer who is investigating criminal conduct alleged to have occurred at the Library. In such event, the Library may disclose to the law enforcement officer all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the Library.
- The 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

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assist the law enforcement officer to render the requested assistance. In such event, the Library may disclose such (surveillance) records to the law enforcement officer.

- Where the Library has referred a delinquent account of \$50 or more to law enforcement in accordance with the Library's Privacy Policy. In such event, the law enforcement officer may be provided with the individual's name, contact information, the amount owed to the Library, and the quantity and type (but not the titles) of documents or material that are overdue.
- If the court order is in the form of a **search warrant** the law enforcement officer may begin search of the library records described in the search warrant. Staff will, however, immediately inform the Library Director, or designee, who will contact Library legal counsel and the MCFLS Office.

The Library Director or designee will cooperate with the search to ensure that only the records identified in the search warrant are produced and that no other users' records are viewed or scanned. The Library Director or designee will send the court order (or a copy) along with a copy of the surrendered data to the MCFLS Office in a secured file.

- If the court order is a search warrant issued under the **Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment)**, the same procedure as used for a search warrant applies. However this type of search warrant also contains a "gag order." As a result, no person or institution served can disclose that the warrant has been served or that records have been produced. The Library and Staff must comply with this order. No information can be disclosed to any other party, including the patron whose records are the subject of the search warrant.

The gag order does not change the Library's right to legal representation during the search. Library legal counsel should be called immediately, although the FBI does not have to wait until the Library receives legal counsel before acting on the court order. The Library has the right to contact an attorney which is not a breach of the gag order because conversations are covered by the attorney-client privilege.

If the Library's legal counsel cannot be reached, the Library Director or designate, will call the ALA Office for Intellectual Freedom (OIF) at 800-545-2433 x4223 and state only "I need to speak with an attorney." The OIF will put the caller in touch with an attorney familiar with FISA. The staff member should not inform OIF staff of the existence of the warrant.

- Except with regard to any FISA search warrant, the Library will keep a record of all law enforcement requests and all costs incurred by any search and/or seizures, including time spent by Library staff assisting in the search or the inventorying of items.

Emergency Disclosures of Communication

Notwithstanding any provision of this policy to the contrary, if any Library staff observes what could reasonably be construed as a threat of imminent danger to life, the staff member is to immediately alert local law enforcement through the 9-1-1 emergency response system and then immediately inform the highest ranking Library personnel on duty. The highest ranking person on duty should then immediately contact the Library Director.

Adopted By the Library Board March 2020