

Lakeland Library Cooperative

COOPERATIVE BOARD POLICY

Confidentiality of Patron Records

It is the policy of the Lakeland Library Cooperative to preserve the privacy of patron records in the Cooperative database as permitted by law.

Neither Cooperative staff nor member Library staff shall release or disclose, in whole or in part, library records to any person other than the patron named in the record (i.e., the library cardholder) or the person liable for payment for or return of the materials identified in the record (for example, a parent or legal guardian) without an appropriate court or agency order or warrant.

The Michigan Library Privacy Act prohibits disclosure to all third parties, except as provided in MCL 397.603(2), which states: "Unless ordered by a court after giving the affected library notice of the request and an opportunity to be heard on the request, a library or an employee or agent of a library shall not release or disclose a library record or portion of a library record to a person without the written consent of the person liable for payment for or return of the materials identified in that library record." In addition, and in certain circumstances, the USA PATRIOT Act, P.L. 107-56, supercedes the Michigan Library Privacy Act and disclosure of library records is mandatory pursuant to an appropriate federal agency order or warrant. Such federal order or warrant may also require the library to refrain from notifying the patron of the disclosure.

No member Library shall release or disclose, in whole or in part, another member Library's records to any third party, except as provided above.

A "library record" may be a patron record, an item record, or the record of a transaction. Patron records belong to the home library of the patron; item records belong to the owning library of the item; transaction records belong to the library where the transaction took place. For any given transaction, a library owning one or more of these elements has ownership rights in the record of the transaction. For the purposes of this policy, the Cooperative shall be deemed to share ownership in all records on the shared system.

Member libraries are urged to develop local policies and procedures governing confidentiality and patron privacy. In regard to information contained in the shared system (ILS), such local policies shall at a minimum meet the requirements of this Cooperative policy. The Cooperative will serve as a resource for these issues, but is not a substitute for local legal counsel. Each member library is responsible for training and equipping their staff to deal with these issues.

PPS Committee Draft: 5/15/03
Reviewed by Legal Counsel: 5/28/03
First Reading by Cooperative Board: 6/12/03
Revised by PPS Committee: 7/17/03
Adopted by Cooperative Board: 8/14/03
First Reading by Cooperative Board: 4/12/07
Adopted by Cooperative Board: 5/10/07