

Middleton Public Library

PRIVACY OF LIBRARY RECORDS AND LIBRARY USE

- I Purpose**
- II Legal Requirements**
- III American Library Association**

I. Purpose

All Middleton Public Library circulation and other records which indicate the identity of library users, especially as they connect library users with material or services used, are confidential. This confidentiality extends to information sought or received, including library materials consulted or borrowed, database search records, reference interviews, circulation records, registration records and all other personally identifiable uses of library materials, facilities or services.

Such information may not be disclosed, except to:

1. Persons acting within the scope of their duties in the administration of the library or library system.
2. An agency or individual or any local, state or federal government, pursuant to a process, subpoena or court order authorized pursuant to a federal, state, or local law relating to civil, criminal, administrative or legislative investigative power. Library staff will seek legal counsel from the City Attorney's Office in the event of such request for release of library records, and will respond to the request according to advice of counsel.
3. Persons authorized by the individual to inspect the individual's record.
4. A custodial parent or guardian who requests library records relating to the use of the library documents or other materials, resources, or services by the child under the age of 16 of the custodial parent or guardian."

II. Legal Requirements

Wisconsin Statute 43.30, Public Library Records, and statement from the American Library Association on release of records.

Wisconsin Statute 43.30. Public library records.

(1) 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 or to libraries as authorized under subs. (2) and (3).

(2) A library supported in whole or in part by public funds may disclose an individual's identity to another library for the purpose of borrowing materials for the individual only if the library to which the individual's identity is being disclosed meets at least one of the following requirements:

- (a) The library is supported in whole or in part by public funds.
- (b) The library has a written policy prohibiting the disclosure of the identity of the individual except as authorized under sub. (3).
- (c) The library agrees not to disclose the identity of the individual except as authorized under sub. (3).

(3) A library to which an individual's identity is disclosed under sub. (2) and that is not supported in whole or in part by public funds may disclose that individual's identity to another library for the purpose of borrowing materials for that individual only if the library to which the identity is being disclosed meets at least one of the requirements specified under sub (2) (a) to (c).

History: 1981 c. 335; 1991 a. 269.

III. American Library Association

"Confidential library records should not be released or made available in any format to a federal agent, law enforcement officer, or other person unless a court order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records."

Adopted 4/13/04