

Policy 120

Confidentiality of Library Records

Introduction

In accordance with the Library Records Confidentiality Act (75 ILCS 70), it is the policy of the Sugar Grove Public Library to insure the privacy of the users of services and to consider any Library records to be confidential in nature. Library records are for the sole purpose of protecting public property and are not to be used directly or indirectly to identify the types of materials used by individual Library patrons. Under no circumstances shall the Library staff answer to a third party about what a patron of the Library is reading or the kind of information asked for from the Library's collections.

No Library records shall be made available to a casual member of the public, the press, or any agency of State, Federal, or Local government, except pursuant to such process, order, or subpoena as may be authorized under the authority of and pursuant to Federal, State, or Local law, relating to civil, criminal, or administrative discovery procedures or legislative investigatory power. The Board of Trustees and Library Director shall resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

Statute Incorporated for Reference

(75 ILCS 70/1) (from Ch. 81, par. 1201)

Sec. 1. (a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

- (1) required to do so under a court order; or
- (2) the information is requested by a sworn law

enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

- (b) This Section does not prevent a library from publishing or making

available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 95-40, eff. 1-1-08.)

(75 ILCS 70/2) (from Ch. 81, par. 1202)

Sec. 2. This Act may be cited as the Library Records Confidentiality Act.

(Source: P.A. 86-1475.)

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