

It is the policy of the Petoskey District Library Board to abide by the Michigan Library Privacy Act and the Federal PATRIOT Act.

Michigan Library Privacy Act — Public Act 455 of 1982

The Library Privacy Act, PA 455 of 1982 (MCL 397.605), guarantees the privacy of library records. A record of items may be released to the parent or guardian of a minor in an effort to secure the return of the items (Library Privacy Act Amendment 1996, PA 188). In all other cases, no record of library material requested or obtained can be released to anyone without a court order or written permission. Names, addresses, and phone numbers of library users are also protected by the Privacy Act and may not be released without a court order.

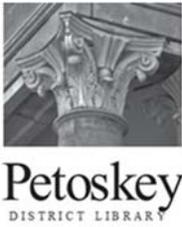
A library record (as defined in the Michigan Library Privacy Act) is a “document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron’s name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library.” Library records might include but are not limited to, circulation records, written reference requests, virtual reference requests, and computer usage metadata.

All records, formal and informal, in the Petoskey District Library containing patron registration information and the subsequent borrowing records of patrons are strictly confidential except as allowed in this policy.

In order to prevent an unreasonable invasion of personal privacy, the contents of registration and circulation records shall not be available to anyone besides the library staff in the performance of library duties except under the written order of the Director, such order having been issued pursuant to a proper legal process, order, or subpoena.

Upon receipt of any process, order, or subpoena from a **state** or **local** law enforcement officer (Michigan Privacy Act) the officer shall confer with the Director or his/her designee and the legal counsel of the District to determine if such process, order, or subpoena is proper and enforceable.

In the event the legal process fails to sufficiently identify or name in specific terms the records on file in respect to an identified library patron, the request is considered to be defective and not binding upon the library and its personnel except under further due process of law.



USA Patriot Act

In the case of Library staff served with a **federal** search warrant or court order as part of an FBI investigation (USA Patriot Act) the court order may not be deferred. In that case, the staff must comply with the court order with the following procedure:

- Contact Library Director, if the library director is unavailable, then
- Contact the Public Services Librarian, if the public services librarian is unavailable, then
- Contact District attorney, (Laura Dinon, 348.6417) if unavailable
- Ask for identification from the person
- Call the office of the FBI to check identity of person (Traverse City Office: 231.946.7201)
- Ask for the court order or search warrant and make a copy
- Comply with the request
- Staff served with such an order may not disclose said order's existence to anyone, or that federal law enforcement has obtained what it sought to anyone, except to those necessary to obtain the things sought in the warrant.

Any problems or conditions relating to the privacy of a patron through the records of the library which are not specified in this policy shall be referred to the Director, who after study and consultation with the Library Board and/or legal counsel, shall decide whether or not to heed the request for information.