

CONFIDENTIALITY OF PATRON RECORDS

The Otsego County Library will comply with all provisions of the Library Privacy Act (MCL 397.601) which prohibits disclosure of any document, record, or other method of storing information retained by the library that identifies a person as having requested or obtained specific library materials from the library. No such records will be released to a third party without the written consent of the person identified in the record without a court order.

However, according to the Library Privacy Act Amendment (1996 PA 188), if a parent or legal guardian signs to accept legal responsibility for return of his or her child's library materials and to accept financial liability for that child's library fines and other charges, the parent or guardian may authorize the disclosure of that child's library records. The parent must sign the disclosure form before any information about the child's account will be released.

Library employees will respect the privacy of each and every library patron. While it may be necessary to discuss patron behavior or review records, this should take place only between library employees and never in the presence of other patrons. No gossip about library patrons will be tolerated.

It is the policy of the Otsego County Library to preserve the confidentiality of **all** patron records to the fullest extent permitted by law. To that end, those records of the library shall be released or disclosed only as provided for herein:

All patron registration information shall be treated by the staff of the library as confidential, including name, address, phone number, and any other information provided on patron registration forms. This policy also prohibits disclosure of whether or not a person has a library card or has registered for any event or service.

The library may use registration information to distribute library-related information to registered borrowers.

Registration records

This policy defines registration records as any information gathered from the patron on the library card registration form, a sign in sheet for use of library equipment or materials, or Internet Access ID applications. This policy does not cover library circulation records protected by the Michigan Library Privacy Act.

Notification of Library Director

Any employee of the library who receives a request, or who is served with a subpoena, court order, or other legal process, to release or disclose any registration record shall promptly notify the Library Director.

Action by the Director

The library director, in a timely manner, shall review all requests and orders, consult with the library's legal counsel as necessary, and respond in an appropriate manner to each such request or court order in accordance with this policy and with the Michigan Freedom of Information Act, 1976 Public Act 442, MCL 15.231-246.

Requests for Registration Information

The library director shall, in writing, deny all requests for the release or disclosure of registration information unless the Library has written permission from the persons identified in the records. Patron registration information is considered by the Library Board of Trustees to be "information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy" as exempted from disclosure in the Michigan Freedom of Information Act, MCL 15.243 (1).

Freedom of Information Act Requests for Registration Information

The Library shall, in writing, deny any designated "Freedom of Information Act" request for the release or disclosure of confidential patron registration information as follows:

To: _____

You are hereby notified that your request of _____(date) has been denied because the information requested is exempt from disclosure pursuant to MCL 15.243 (1) (a). The Otsego County Library maintains a policy of confidentiality of library patron records and will not release library patron names, addresses, telephone numbers or other registration information without the written permission of the library patron.

Under Michigan law, you may commence an action in the Circuit Court to compel disclosure of public records (Freedom of Information Act, Section 10, MCL 15.240). We have attached a copy of the Freedom of Information Act for a full explanation of your right to seek judicial review under Section 10.

Name and title of person denying request

Date

Court Order for Patron Information:

The Library Director, after consultation and advice from the Library's legal counsel, shall respond to any subpoena or court order to release or disclose patron registration information.

Authority for Policy:

The authority for this policy is the Michigan Freedom of Information Act, 1976 Public Act 442, MCL 15.243 (1) (a) regarding information of a personal nature where the disclosure would constitute a clearly unwarranted invasion of privacy.