

ALCONA COUNTY LIBRARY OPERATING POLICY AND PROCEDURES

Privacy Policy

Requests for Alcona County Library Records

It is the policy of the Alcona County Library to preserve the privacy of the records of its patrons to the fullest extent permitted by law. To that end, records of the library shall be released or disclosed only as provided for herein.

Library staff shall not release library records to any person other than the patron named in the record (i.e., the library card holder). The **Michigan Library Privacy Act, PA 455 of 1982 (MCL 397.605)** guarantees the privacy of library users. 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 of the patron named.

1. Records Protected by the Michigan Library Privacy Act: The Michigan Library Privacy Act provides that library records may not be disclosed to third parties unless the library has received written permission of the patron or a properly obtained court order (MCL 397.603). A “library record” is defined in the statute as “a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific materials from a library”. “Library record” does not include non-identifying materials such as circulation statistics.

2. Notification of the Library Director: Any employee of the Alcona County Library who receives a request or who is served with a subpoena, court order, or other legal process, to release or disclose any library records shall promptly notify the Library Director, who will notify the Board of Trustees.

3. Action by the Library Director: The Library Director, in a timely manner, shall review all requests and orders, consult with the Library’s attorney as necessary, and respond in an appropriate manner to each such request and order in accordance with this policy.

4. Requests for Library Records: The Library Director shall deny, in writing, all requests for the release or disclosure of library records as defined under the Michigan Privacy Act, unless the Library Director has received the named patron’s written consent for such release or disclosure.

5. Court Order For Release of Library Records: The Library Director shall comply fully with a court order to release or disclose library records if that court order was properly obtained under Section 3(2) of the Library Privacy Act (MCL 397.603). The court may issue an order for disclosure only “after giving the affected library notice of the request and an opportunity to be heard thereon”.

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6. Authority of Policy: The authority for this policy is the Michigan Library Privacy Act, 1982 Public Act 455, MCL 397.601 – 397.605. Library records protected by the Michigan Library Privacy Act are exempt from disclosure under the Freedom of Information Act (MCL 397.603 and MCL 15.243[d]).

USA Patriot Act

In the case the library is served with a Federal search warrant or court order as part of an FBI investigation, the court order may not be deferred. In that case the staff must comply with the court order with the following procedure:

1. Contact the Library Director, if not available will follow step 2.
2. Contact the County attorney, if not available will follow step 3.
3. Ask for identification from the person
4. Call the office of the FBI to check identity of the person
5. Ask for the court order or search warrant and make a copy
6. Comply with the request
7. Librarians and staff served with such an order may NOT disclose to anyone its existence or that federal law enforcement has obtained what it sought, except to those necessary to obtain the things sought in the warrant.

Freedom Of Information Act (FOIA)

The Alcona County Library is committed to complying with requests for library records in accordance with the provisions of the Michigan Freedom of Information Act. All requests will be processed according to the requirements of MCLA 15.231 et. Seq.

FOIA requests must be in writing and addressed to:

Library Director
Alcona County Library
312 W. Main St.
Harrisville, MI 48740

Requests should be as specific as possible, so that the Library can identify the requested document(s). The written FOIA request must be dated, signed by the requester, and include a phone number or email if possible if the FOIA Coordinator needs to clarify a request.

In accordance with Michigan law, the requester will receive a response within five business days which will do one of the following:

1. Provide the requested document(s)
2. Notify the requester of an estimated fee for providing the information
3. Notify the requester of a 10 day extension in response time
4. Deny the request, if the document is exempted under MCLA 15.231 et. Seq.
5. Or a combination of the above.

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The FOIA Coordinator will inform the Library Board of any requests denied. Denial of a request by the Library's FOIA Coordinator may be appealed to the Library Board.

Appeal request must be in writing and addressed to:

Alcona County Library Board
Alcona County Library
312 W Main St.
Harrisville, MI 48740

Computer Privacy

The library keeps an electronic record of which sites have been accessed, but does not record which user accessed the site. To help protect users' privacy, temporary files and usage history lists on public computers are cleared when the computer is rebooted. Any paper list of users is discarded at the end of the day.

When a patron submits a site request for a blocked site or to question an unblocked site, they may identify themselves, otherwise they remain anonymous.

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