

## Confidentiality of Patron Registration Policy

It is the policy of the Sanilac District Library to preserve the confidentiality of the registration records of its patrons to the fullest extent permitted by law. To that end, the registration 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 Sanilac District Library as confidential, including name, address, telephone number, and any other information provided on the patron's registration form. This policy also prohibits disclosure of whether or not a person has a library card.

1. **Registration Records:** This policy defines "registration records" as any information gathered from the patron on the library card registration form and/or any information entered into the library's patron database. This policy does not cover library circulation records protected by the Michigan Library Privacy Act. For information on nondisclosure of those records, see the Compliance with the Michigan Library Privacy Act Policy.
2. **Notification of the Library Director:** Any employee of the Sanilac District 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.
3. **Action by the Library Director:** The Library Director, in a timely manner, shall review all requests and orders, consult with an attorney 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 15.231-15.246.
4. **Requests for Registration Information:** The Library Director shall deny, in writing, all requests for the release or disclosure of registration information unless the Library Director has received the written consent to such release or disclosure from the person(s) identified in the records. Patron registration information is considered by the Library Board 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).
5. **Freedom of Information Act Requests for Registration Information:** The Library Director shall deny, in writing, any designated "Freedom of Information Act" request for the release or disclosure of confidential patron registration information.
6. **Court Order for Patron Information:** The Library Director, after consultation and advice from an attorney, shall comply with any subpoena or court order to release or disclose patron registration information.
7. **Authority for Policy:** The authority for this policy is the Michigan Freedom of Information Act, 1976 Public Act 442, MCL 15.243(1)(a) and Section 2 of PA 455 of 1998 regarding information of a personal nature where the disclosure would constitute a clearly unwarranted invasion of privacy.

## Compliance with the Michigan Library Privacy Act Policy

It is the policy of the Sanilac District Library to preserve the privacy of circulation records of its patrons to the fullest extent permitted by law. To that end, the circulation 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 cardholder). The Michigan Library Privacy Act prohibits disclosure to all third parties, including parents or other persons who have signed to accept financial responsibility for the cardholder.

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 material such as circulation statistics.
2. **Notification of the Library Director:** Any employee of the Sanilac District Library who receives a request, or who is served with a subpoena, court order, or other legal process, to release or disclose any library circulation records shall promptly notify the Library Director.
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 Library 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.”
6. **Authority for 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]).

### **Disclosure of Library Records Exceptions**

1. As permitted by the Library Privacy Act (397.603 Section 3 (2) and (3) of PA 455 of 1998), “the procedure and form giving the written consent described in Subsection (2) may be determined by the library.”

Sanilac District Library will disclose library records to a third party upon the written consent of the cardholder. This includes disclosing a title when performing a renewal of library material. Sanilac District Library provides a Consent Form which must be filled out and signed by the cardholder. The Consent Form will be kept on file and checked when the disclosure of library records is requested. The Consent Form must be updated by the patron each time their library card is renewed. The cardholder, at any time, may revoke the consent for disclosure of library records by written notification to Sanilac District Library.

2. As permitted by Library Privacy Act (397.603 Section 3 (5) of PA 455 of 1998), Sanilac District Library “may disclose library records without a court order or the written consent described in subsection (2) under either of the following conditions:
  - (a) Sanilac District Library may report information about the delinquent account of a patron who obtains materials from the library to a collection agency with only the library records necessary to seek the return of overdue or stolen materials or to collect finds from the patron.
  - (b) Sanilac District Library may disclose library records to another library or library cooperative for the purpose of conducting interlibrary loans. The library records must be limited to those required to provide interlibrary loans.

2-18-2025

### **Release of a Minor Child’s Library Records**

Public Act 188 of 1996, an amendment to the Michigan Library Privacy Act, permits disclosure of library records if the library receives “written consent of the person liable for payment for or return of the materials identified in that library record”. MLC 397.603(2)

If a parent or legal guardian sign to accept legal responsibility for return of his/her child’s library materials and to accept financial liability for that child’s library fines and other charges, the parent or legal guardian may authorize the disclosure of that child’s library records.

Library staff may give titles to parents if the:

1. parent signs to accept responsibility for his/her child’s library “debts”, AND
2. parent signs a disclosure form giving consent on behalf of the child for the release of the child’s library records. Verification must be given that he/she is actually the child’s parent or legal guardian.

The Library provides a consent form which must be filled out and signed by the parent.

4/25/2004

## Release of Minor Child's Library Records Form

Under Section 3 of the Michigan Library Privacy Act, MLC 397.601 et seq., a library may not release a minor child's library records unless the parent or legal guardian or the minor child completes and signs this form.

Name of minor child: \_\_\_\_\_

I hereby declare that:

- ☐ I am the mother/father/legal guardian (*circle one*) of the above-named minor child;
- ☐ I accept full responsibility for return of library materials checked out by the above-named child, as well as liability for payment for the child's overdue fine and damaged or lost materials;
- ☐ I give consent for the release of the child's library records to:
  - ☐ Myself (*if the records are to be released to the signing parent or guardian.*)

**AND/OR**

☐ Name of 3<sup>rd</sup> party: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ (library employee)

**Disclosure of Library Records to Third Party Consent Form**

The Library Privacy Act, 1982 PA 455, MCL 397.601 - MCL 397.606, prevents Sanilac District Library from disclosing information from a patron's library record to anyone except the card holder.

The Library Privacy Act, section 3(3), MCL 397.603(3), authorizes that Sanilac District Library may implement a policy and procedure to accommodate situations where a third party may be granted access to a library record.

Sanilac District Library will only disclose protected information to a third party with the written permission of the card holder and receipt of SDL's Disclosure of Library Records To A Third Party Consent Form. This form will be attached to the card holder's library card application.

This disclosure form does not give permission for a third party to borrow library materials when the card holder is not present.

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I, (print name) \_\_\_\_\_ give Sanilac District Library permission to release my library circulation records to the individual(s) listed below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

- ☐ I understand that this form does **NOT** give permission for any other person to use my library card to borrow library materials unless I am present.
- ☐ I understand that a new consent form must be submitted or updated every three years when my library card expires and is renewed.
- ☐ I accept full responsibility for the return of library materials checked out, as well as liability for payment for any overdue fines, damaged and/or lost materials.
- ☐ I further understand that it is my responsibility to provide written notification to the Library should I wish to revoke this consent between the time period of card renewals.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Homebound Card Eligibility**

Any person within the legal service area of the Sanilac District Library who is unable to come to the Library because of limited mobility, illness or handicap, either temporary or long term, is eligible for a homebound library card. Homebound library cards must be renewed every three years or the expiration date of the library card. Homebound cardholders are subject to all Sanilac District Library policies. The cardholder must stipulate in writing who may check out materials on his/her card, have access to his/her borrowing record information and who is financially responsible for lost or damaged items.

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### **Homebound Patron Release of Library Records Form**

The Michigan Library Privacy (Act 455 of 1982) prevents Sanilac District Library from releasing your library records (which includes titles of materials you have checked out) to another person without your written consent. Sanilac District Library Policy also prohibits the use of your library card by any other person. In order to receive Homebound status, you are required to sign a Release of Library Records Form and submit the name of the person who has permission to use your library card.

- ☐ I give consent for the release of my library records to the person(s) listed below.
- ☐ I give consent for the person(s) listed below to use my library card to check out library materials for my use.
- ☐ I give consent for library staff to select library materials for my use.
- ☐ I accept full responsibility for the return of library materials checked on my library account by the person(s) listed below.
- ☐ I understand that I am responsible for payment of any overdue charges and/or the replacement costs of damaged or lost materials.
- ☐ I understand that this permission terminates on the expiration date of my library card.

I \_\_\_\_\_ give permission for release of my library records and use of my library card to:

**Print name:** \_\_\_\_\_  
\_\_\_\_\_

**My signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_