

CONFIDENTIALITY OF RECORDS

The Evans Public Library District abides by Illinois Law which states that the records of patron transactions and the identity of registered library patrons is confidential material. The Evans Public Library District does not make available the records of patron transactions to any party except in compliance with the law. The Evans Public Library District does not make available lists of registered library patrons except in compliance with the law.

Library staff shall not make such records available to the public, the press, or to 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 discover procedures of legislative investigatory power.

Library staff shall observe the following procedures: On receipt of any legal process, order or subpoena, the library staff member in charge will immediately contact the Librarian. The Librarian will consult with the President of the Board of Trustees and the Library attorney to insure that (a) the document is in proper legal form; and (b) there has been a proper showing of good cause for its issuance, in a court of administrative body of competent jurisdiction. Until the legality of such process, order or subpoena has been affirmatively shown to the satisfaction of the Library attorney, the Library will resist its issuance or enforcement until any such defects have been cured.

The Illinois Records Confidentiality Act requires a court order before a library may publicly release information contained in library registration or circulation records. Public Act 95-0040 created an exception to the requirement for a court order if ALL of the following conditions are met:

1. The information is requested by a sworn law enforcement officer who states that it is impractical to get a court order as a result of an emergency situation;
2. The law enforcement officer states that there is probable cause to believe that there is imminent danger that someone will be physically harmed;
3. The information requested is limited to only identifying a suspect, witness, or victim of a crime; and
4. The information does not include any registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library.

Public Act 95-0040 also provides that "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."