Portage District LIBRARY

Reviewed & Approved: February 23, 2026

CONFIDENTIALITY POLICY:

DISCLOSURE OF LIBRARY RECORDS

I. Policy; Library Records

It is the policy of the Portage District Library ("Library") to preserve the confidentiality and privacy of Library Records ("Library Records" or "Library Record") to the fullest extent permitted by law.

II. Definitions of Library Record

A. Agent or Employee.

An agent or employee includes an employee of the Library, a member of the governing body of the Library, an individual who is specifically designated as a volunteer and who is acting solely on behalf of the Library, and any other person who is lawfully performing services on behalf of the Library under a written contract, including a collection agency.

B. Crime.

A crime means that term as defined in section 5 of the Michigan penal code, 1931 PA 328, MCL 750.5 C.

C. Law Enforcement Officer.

A law enforcement officer means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

D. Library Record.

1. **Definition.**

   As defined by the Michigan Library Privacy Act, for the purpose of this policy means:

   > *"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."*

   For example, a Library Record would include, but not be limited to patron circulation records, internet browsing history, and program attendance records.

2. **Excluded from Definition.**

   The following are specifically excluded from the definition of Library Record.

   a. *Non-Identifying Material.* Library Record does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

   b. *Certain Video Surveillance.* A Library Record also does not include recorded video surveillance images made solely for security purposes that do not include images of any activity or any other document or record that identifies a person as having requested or lawfully obtained specific services, materials, or information resources from the Library.

3. **Library Director Determination of "Library Record."**

   The Library Director, or his/her designee, shall be responsible for determining whether a particular document meets the definition of Library Record or whether the video surveillance footage contains any images that would require it to be considered a "library record."

III. Disclosure of Library Records

The Library takes seriously its obligation to protect the privacy of every patron, as required by law, even if this commitment to patron's privacy may appear to cause inconvenience on occasion. To that end, Library Records or other confidential information shall be released or disclosed only as provided for herein or otherwise provided by Michigan or federal law.

A. Freedom of Information Act Requests.

All requests for public records that are not subpoenas, court orders or other legal process must be processed according to the Michigan Freedom of Information Act ("FOIA") and the Library's FOIA Procedures and Guidelines. See Procedures and Guidelines and Written Summary for additional information. Library Records are exempt from disclosure under the FOIA.

B. Subpoenas, Court Orders or other Legal Process.

Any employee of the Library who is served with a subpoena, court order, or other legal process to release or disclose any Library Record or other Library document from (1) a state or local law enforcement agency or (2) a federal law enforcement agency shall promptly notify the Library Director, or his/her designee. If neither is available, the Library Board President shall be contacted.

1. **Consultation with Attorney.**

   The Library Director, his/her designee, or the Board President has the authority to consult with the Library Attorney regarding the sufficiency, scope or any other matter related to the subpoena, court order or other legal process.

2. **Action by Library Director.**

   After review of the subpoena, court order or other legal process, the Library Director, his/her designee, or the Board President shall take appropriate action to respond.

3. **Opportunity to be Heard.**

   Depending upon the type of subpoena, court order or other legal process, the Library may appear and be represented by counsel at a hearing on the request for records.

4. **4. Confidentiality.**

   If a subpoena, court order or other legal process is submitted to the Library, the Library shall keep the subpoena, court order or other legal process confidential if required by court order, Michigan law or federal law. To that end, the Library may not be able to inform the patron that his/her records were sought. The Library Board acknowledges that the Library Director, if required by a non-disclosure order or law, may not be permitted to inform the Board or its individual members that a local, state or federal agency has sought or obtained requested records.

C. Consent.

In compliance with the Michigan Library Privacy Act, a person who is liable for the payment or return of the materials identified in a Library Record or portion of a Library Record may provide written consent for the release of that Library Record.

D. Voluntary Disclosure without Court Order and Consent.

A library or an employee or agent of the Library may disclose Library Records without a court order or written consent under either of the following circumstances:

1. **Collection Agency.**

   The library or an employee or agent of the Library may report information about the delinquent account of a patron who obtains materials from the library to a collection agency under contract with the library. The Library or an employee or agent of the Library shall provide the collection agency with only the library records necessary to seek the return of overdue or stolen materials or to collect fines from the patron.

2. **Interlibrary Loan.**

   The Library or an employee or agent of the 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 for providing interlibrary loans.

IV. Disclosures Regarding Alleged Crimes in this Library.

The Library Privacy Act does not prohibit an employee or agent of a library from providing a sworn statement or testimony to a law enforcement officer based solely on the personal knowledge of the employee or agent of the Library regarding a crime alleged to have occurred at the Library.