



THREE OAKS TOWNSHIP PUBLIC LIBRARY

3 NORTH ELM ST.

THREE OAKS, MI 49128

PHONE: (269) 756-5621 FAX: (269) 756-3004

WWW.THREEOAKS.MICHLIBRARY.ORG

Three Oaks Township Public Library Policy and Procedures in response to the USA Patriot Act of 2001

In October 2001 Public Law 107-56 (The USA Patriot Act) passed the U.S. Congress in response to the events of 9/11/2001. The full title of the law is: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. On March 9, 2006 the USA Patriot Improvement and Reauthorization Act of 2005, which modified some of the original Act and extended it to December 2009, was signed by President George W. Bush. The Act was further extended for four years on May 27, 2011 by President Barack Obama. The original legislation and the new acts modify some 15 different sections of the U.S. Code in order to give federal law enforcement more latitude in investigating information accessed and transmitted by library patrons in regard to possible terrorism and national security concerns. Federal agents, for example, may seize library or bookstore customer records with a search warrant in hand.

Under the USA PATRIOT Act, government access to patron information may include but not be limited to:

- Database Search Records
- Circulation Records
- Computer Use Records
- E-mail Records
- Inter-Library Loan Records
- Reference Interviews

If invoked in a federal terrorism investigation, the USA Patriot Act supersedes any and all confidentiality policies as well as the state law that library confidentiality policy is based on. The reauthorization made the grounds for release of library records somewhat more stringent.

E-Mail Records: E-mail messages sent to any Three Oaks Township Public Library e-mail address may be stored or forwarded to others within the Library or to other libraries' staff in order to respond to a request for information.

Reference Interviews: A reference interview occurs when a patron looking for information approaches a library staff and staff questions or interviews the patron in order to narrow down the specific information needed.

Normally, no paper record is kept during the interview that has any patron information on it. However, if a request for information requires the librarian to contact the patron at a later time, which happens with an involved request or at busy times, for example, a patron name and number is taken and patron information is written down. As soon as the requested information is delivered to the requesting patron, the paper record is destroyed.



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Three Oaks Township Public Library Staff Procedures for Complying with Law Enforcement

Policy Statement: The Three Oaks Township Public Library strives to protect the privacy of library patrons to the fullest extent of the law. No confidential information on library patrons will be revealed to the authorities without presentation of a subpoena or search warrant.

When using library computers and/or the library's free wi-fi access, patrons should be aware that the library cannot and does not guarantee privacy. Patrons should not have an expectation of total security in a networked system of shared public-access computers.

Regulations: The Three Oaks Township Public Library will retain only as much information about library patrons as required to provide services. Personal information on patrons will be discarded as soon as it is no longer needed. The library keeps no permanent record of Internet sites visited, electronics databases used, or searches performed by patrons.

If, in the normal course of business, a library staff member observes what can be reasonably construed to be a threat of imminent danger to the library, staff, or patrons, he/she is to contact law enforcement officials immediately. He/She should then contact/inform the Library Director.

Procedures for staff:

Staff will follow these procedures if law enforcement official asks for confidential patron information such as names, addresses, or library materials borrowed, or presents a subpoena or search warrant.

1. A member of the staff who is approached by anyone alleging to be a law enforcement officer should immediately contact the Library Director. No information should be disclosed to the officer.
2. The Director will ask to see official identification, photocopy the ID, record all pertinent information, and ask to see the search warrant or subpoena.
3. If presented with a search warrant, staff will not interfere with the search and seizure.
4. If presented with a subpoena the Library Director will ask for time to consult with legal counsel and respond to the request.
5. Records should be kept of all legal requests and of any items removed from the library by law enforcement officials.
6. Keep a record of all costs incurred by any search and/or seizures.
7. Some search warrants or subpoenas issued under the USA Patriot Act come with a "gag order" attached, preventing staff from telling the patron or the public that information has been provided to the FBI. If a "gag order" is not in effect, the Library Director will notify the patron(s) affected, library trustees, township administration, and other officials as deemed appropriate. The Act includes language to immunize librarians against civil suits in such a case.



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Reminder:

Subpoena- do not give out information until legal counsel has reviewed the document.

Search warrant- may be executed immediately by a law enforcement officer.

- If a "gag order" is not in effect, the Library Director will notify the patron(s) affected, library trustees, town administration, the American Library Association, and other officials as deemed appropriate.