



Policy Manual

PUBLIC

P5: Confidentiality of Patron Records: Freedom of Information Act Requests and Subpoenas

1. Michigan Library Privacy Act. The purpose of this policy is to preserve the confidentiality and privacy of the registration and circulation records of Library patrons to the fullest extent permitted by law. To that end, the registration and circulation records of the Library shall be released or disclosed only in accordance with this Policy and the Michigan Library Privacy Act (PA 455 of 1982, as amended). If there is any conflict between the provisions of this policy and the Michigan Library Privacy Act, the terms of the Act will control.

Unless ordered by a court of competent jurisdiction, no employee of the Library may release or disclose a Library Record (as defined below) to any person without the written consent of the person who is liable for payment or for return of the materials identified in that Library Record. In the case of a minor, that means the person who has co-signed for the minor's library card (see Policy P1). Please note that if only one parent has co-signed for the minor's library card, the other parent cannot be given access to the minor's Library Records under the Michigan Library Privacy Act.

For purposes of this policy, a Library Record 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. A 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.

A Library Record is not subject to disclosure under the Michigan Freedom of Information Act (PA 442 of the Public Acts of 1976, as amended).

2. Nonidentifying Records. Any other record or data pertaining to the circulation of library materials or any public record that does not meet the definition of a Library Record under the Michigan Library Privacy Act may be released or disclosed to the extent and in the manner provided in the Michigan Freedom of Information Act (See MCLA Section 15.235).

3. Freedom of Information Act Requests. Any employee of the Library who receives a request for a public record or who is served with a subpoena, court order, or other legal process, to release or disclose any library circulation record or other public records shall promptly notify the Library Director. The Library Board adopts the City of Novi's Freedom of Information Act Policy and Procedure, written public summary and detailed itemization by reference approved by the City of Novi on June 22, 2015, and the FOIA Coordinator for the City of Novi shall also act as the FOIA Coordinator for the Library. The FOIA policies and procedures and written public summary are available at cityofnovi.org.

4. Subpoena. If the Library Director believes that a subpoena seeks the disclosure of a Library Record covered by the Michigan Library Privacy Act, or seeks the disclosure of any other information that the Library Director believes is privileged or subject to non-disclosure, the Library Director will refer the matter to the City Attorney. All subpoenas will be reported to the Library Board.

Adopted: November 11, 1996; Amended: May 1, 2010; July 15, 2015; June 22, 2017

Signed:

A handwritten signature in black ink, appearing to read "Craig Messerknecht". The signature is written in a cursive style with a long horizontal stroke at the end.

Craig Messerknecht
President
Novi Public Library Board of Trustees