

BAY COUNTY LIBRARY SYSTEM PRIVACY POLICY IN COMPLIANCE WITH MICHIGAN LIBRARY PRIVACY ACT

This policy complies with the Michigan Library Privacy Act. The USA Patriot Act of 2001 Policy does not replace it.

It is the policy of the Bay County Library System 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 card holder). **Exception:** Under Michigan Public Act 188 of 1996, library records may be disclosed upon consent of the person who is liable for payment or for return of the materials identified in that library record.

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. Video surveillance is not considered a library record and may be disclosed to law enforcement if a crime has been committed as long as the video does not show any library records within it. **Exception:** Under Michigan Public Act 188 of 1996, library records may be disclosed upon consent of the person who is liable for payment for or return of the materials identified in that library record.
2. **Notification of the Library Director** – Any employee of the Bay County Library System who receives a request, or who is served with a subpoena, court order, or other legal process, to release or disclose any library records shall promptly notify the Library Director, or designee.
3. **Action by the Library Director** – The Library Director, or designee, shall, in a timely manner, review all requests and orders, consult with the library’s attorney, as necessary, and respond in an appropriate manner to each such request or order in accordance with this policy.
4. **Requests for Library Records** – The Library Director, or designee, 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, or designee, has received the named patron’s written consent for such release or disclosure.

5. **Court Order for Release of Library Records** – The Library Director, or designee, 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).

6. **Requests for Personal Information from Library Records** – Requests for names, addresses, or telephone numbers from library records that are not available in published sources such as telephone directories and street guides, shall not be honored because they are excluded by Section 13 (a) of the Freedom of Information Act (PA 442 of 1976).

7. **Authority for Policy** – The authority for this policy is the Michigan Library Privacy Act, 1982 Public Act 455, MCL 397.601-397.606. 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]).