

**BAY COUNTY LIBRARY SYSTEM  
USA PATRIOT ACT OF 2001  
POLICY & PROCEDURES**

The Bay County Library System supports the President of the United States and congressional leaders in our nation's efforts to preserve and protect the many hard-fought freedoms we enjoy as Americans.

Public libraries are facing a dilemma of having the responsibility of protecting the privacy of our patrons while responding to legitimate national security concerns. The Bay County Library System recognizes the need for confidentiality of information sought or received and materials consulted, borrowed, or acquired by a library user.

The Bay County Library System strives to create a library environment that is:

- Crime free
- A safe place
- A place for learning and pursuit of knowledge and information on any topic
- A place where patrons can ask any question and discuss any topic

The library will do its utmost to uphold the privacy and confidentiality of patrons' free access to information. The library will rely on existing laws and library policies to control behavior that involves public safety and criminal behavior.

**About the USA Patriot Act of 2001**

HR-3162 became Public Law 107-56 in response to the events of 9/11/01. The full title of the law is: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. The Act may provide law enforcement broader boundaries when investigating information accessed and transmitted by patrons with regards to national security concerns.

Access to patron information may include, but not be limited to:

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

Database Search Records: These records refer to the searches of the collection a patron may conduct on the Online Public Access Catalog (OPAC). These searches are conducted by utilizing the library's automated circulation system. Once a search is

conducted, the software does not retain a copy of the search. Any records of the search will not exist.

Circulation Records: Patron material is circulated via the library's automated shared system. The circulation software tracks materials currently checked out, automatically erasing a patron's borrowing record when material is returned and all fines and fees are paid.

Computer Use Records: The library system is equipped with computers for public use. Patrons use their library card to log on to computers using time management software. No paper record with patron information is kept. The time management software retains a record of computer use for 24 hours only, after which it is deleted.

Inter-Library Loan Records: Patrons may borrow items from other libraries via Inter-Library loan (ILL). In some cases, the Bay County Library System, as borrowing library, tracks overdue items on a paper record. Once the materials are returned and all fines and fees are paid, the paper record is destroyed.

Reference Interviews: A reference interview occurs when a patron looking for information approaches library staff, such as a reference librarian, and library staff asks questions in order to narrow down the specific information needed. Sometimes library staff takes notes that may include patron information, such as name and phone number, as well as other information pertinent to the research. All such notes are destroyed as soon as the matter is resolved.

### **Staff Procedures**

Any law enforcement official requesting information should be directed to the Director, Assistant Director, Managing Librarian, or person-in-charge at that time – before compliance. The responsible library staff member should ask to see official identification and make a photocopy of it.

As required by the Library Privacy Act of Michigan, the Bay County Library System will comply with law enforcement upon presentation of a legal court order. The matter should be directed to the Library Director, Assistant Director, Managing Librarian, or person-in-charge at that time, who will then consult with the library's attorney – before compliance.

If presented with a warrant, library staff should not delay or interfere with search and/or seizure by law enforcement officials. Contact the Library Director, Assistant Director, Managing Librarian, or person-in-charge at that time as soon as possible.

A record of all legal requests should be maintained in the Administrative office. A record of all costs incurred by any search and/or seizure should be maintained in the Administrative office.

If a “gag order” is not in effect, the Library Director will notify the American Library Association at the direction of the Bay County Library System Board of Trustees.

### **Emergency Disclosures of Communication**

If in the normal course of business library staff observes what can be reasonably construed to be a threat of imminent danger to life and limb, law enforcement should be contacted immediately. Later, when time allows, contact the Director, Assistant Director, Managing Librarian, or person-in-charge at that time, and fill out an Incident Report form.