

# Hortonville Public Library

## Confidentiality of Library Records Policy

### **Privacy Statement**

Protecting library user privacy and keeping confidential information that identifies individuals or associates individuals with their use of library books, materials, equipment, programs, services, facilities, and/or staff assistance is an important principle of the Hortonville Public Library. This policy affirms the library's commitment to privacy, explains the information that the library collects, and alerts visitors to library facilities and users of remotely accessed library services of the privacy choices available to them.

### **Definition of Terms**

- **Privacy** is the right to seek information through library resources without having the subject of interest known or examined by others
- **Confidentiality** exists when the library possesses personally identifiable information and keeps that information private on the patron's behalf
- **Personally Identifiable Information** is information such as name, library card number, e-mail or mailing address, telephone number, or any financial information relating to a patron and their accounts

### **Legal Protections and Exceptions**

Wisconsin laws have strong protections in place to assist the library in keeping records confidential. In certain circumstances, library records may be subject to disclosure to law enforcement officials under provisions of state law or federal law.

The relevant Wisconsin laws concerning the confidentiality of library records are Wisconsin Statutes Section 43.30 and the Wisconsin Personal Information Practices Act (Sections 19.62 to 19.80). Library records include any record of use of library materials, resources, or services.

Wis. State Statute 43.30 requires that library records may only be disclosed under the following circumstances:

1. With the consent of the individual library user.
2. To a custodial parent or legal guardian of a juvenile under 16 years of age.
3. By court order.

4. Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at the library. In this instance, the library shall disclose all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.
5. To persons acting within the scope of their duties in the administration of the library or library system.
6. To other libraries for interlibrary loan purposes in accordance with the standards set forth in Wisconsin Statute Sections 43.30(2) and (3).
7. To a qualifying third party<sup>1</sup> to assist with delinquent accounts. Under the provisions of the law, the library may only disclose the individual's name, contact information and the quantity, types and value of unreturned materials, not the titles of the items.

### **Library Records**

The library avoids creating unnecessary records and retaining records longer than needed for library business purposes.

1. To receive a library card, library users are required to provide identifying information such as name, birth date, picture ID, and physical as well as mailing address (if different). The identifying information is retained, as long as the library user continues to use the library card. In most cases the information will be in the database for a maximum of three years after the person stops using the library card at which time the record is deleted.
2. A library user's circulation record includes current identifying information, items currently checked out<sup>2</sup> or on hold, as well as overdue materials and fines
3. The library may also gather information necessary to provide a requested service to a library user including but not limited to the following examples:
  - a. Records of electronic access information such as a library card or guest pass number used to log into library public computers or search a library database
  - b. Records for interlibrary loan requests or reference services
  - c. Records needed to sign up for or participate in library classes and programs
  - d. Records for use of meeting rooms
  - e. Records for receiving emails and/or text messages about library services and programs

Once there is no longer a need for the information, personally identifying records are destroyed. Emails sent to library staff may be subject to open records requirements.

4. The library treats records as confidential in accordance with Wisconsin State Statute 43.30. The library will not collect or retain private and personally identifiable information

without the person's consent. If consent to provide personally identifiable information is given, the library will keep it confidential and will not sell, license, or disclose it to any third party, except for purposes described by the law.

### **Access to Accounts and Patron Responsibility**

#### **Protecting a Patron Account**

It is the responsibility of the patron to notify the library immediately if a library card is lost or stolen or if they believe someone is using the card or card number without permission. The library recommends these precautions:

- Log off systems after use
- Do not share your library card, user IDs, or passwords
- Select passwords which are easy to remember but difficult for others to guess by including a mixture of numbers, symbols, and/or upper and lowercase letters

#### **Keeping Account Information Up-To-Date**

A patron may access their personally identifiable information held by the library and is responsible for keeping the information accurate and up-to-date. The purpose of accessing and updating personally identifiable information is to ensure that library operations can function properly. A patron may view or update their personal information in person or via telephone. The patron may be asked to provide some sort of verification or identification card to ensure verification of identity.

#### **Parents and Children**

For the protection of all patrons, parents may seek records of their minor child if the child is under the age of 16. If the patron is age 16 or older, Wisconsin State Statute 43.30 states, "records... indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed..." except under a narrow range of exceptions as described earlier in this policy.

#### **Public Computer Use and the Library's Automation Systems**

The library routinely and regularly purges information that may be linked to library users, such as information from web servers, mail servers, computer time management software, interlibrary loan requests, and other library information gathered or stored in electronic format.

The library system maintains the online catalog and a number of databases. The library system automatically collects and maintains statistical information about library users' visits to the library catalog and databases. This information is used for internal reporting purposes and individual users are not identified. Network traffic is monitored to identify unauthorized

attempts to upload or otherwise damage the web service. If a library user chooses to pay fines and fees via credit card, the credit card number is not stored in the user's library account; it is simply passed through to the payment processor.

### **Websites**

The library's website may contain links to other sites including third party vendor sites. The library is not responsible for the privacy practices of other sites which may be different from the privacy practices described in this policy. The library encourages library users to become familiar with privacy policies of other sites visited, including linked sites. The library website does not collect personally identifying information from visitors to the website unless the patron requests a service via the library website. Library database users are asked for their library card number to ensure that only authorized users have access. Database vendors do not have access to any user records or information.

The library and the library system work with a variety of partners to provide e-content (e.g. e-books, e-audiobooks, and e-magazines) to users. Prior to checking out any of the library's e-content users should read the privacy policy of the company that is providing the service. For example, users who check out e-books from the Wisconsin Digital Library Consortium (most frequently used via the Libby app) for use on their Kindle (or via a Kindle app) will receive those e-books via Amazon. Amazon's privacy policy describes the kind of information that is collected and stored in connection with such transactions. However, all other e-book formats within the OverDrive collection do not collect this information.

### **Wireless Access**

The library offers free wireless access (Wi-Fi) for library patrons to use with their own personal notebooks, laptops and other mobile devices. These access points are unsecured. A patron's use of this service is governed by the library's internet use policy. As with most public wireless access points, the library's wireless connection is not secure. Any information being transmitted could potentially be intercepted by another wireless user. Cautious and informed wireless users should choose not to transmit personal information (credit card numbers, passwords and any other sensitive information) while using any wireless access point. Use of the library's wireless network is entirely at the risk of the user. The library disclaims all liability for loss of confidential information or damages resulting from that loss.

### **Other Services**

Some patrons may choose to take advantage of hold and overdue notices via e-mail or text message, and similar services that send personally identifiable information related to library use via public communication networks. Patrons should also be aware that the library has limited ability to protect the privacy of this information once it is outside the library's control.

## **Illegal Activity Prohibited and Not Protected**

Patrons may conduct only legal activity while using library resources and services. Nothing in this policy prevents the library from exercising its right to enforce its Code of Conduct, protect its facilities, network and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes. The library can electronically log activity to monitor its public computers and external access to its network and reserves the right to review such logs when a violation of law or library policy is suspected. Staff is authorized to take immediate action to protect the security of library patrons, staff, facilities, computers, and the network. This includes contacting law enforcement authorities and providing information that may identify the individual(s) suspected of a violation.

## **Enforcement**

Patrons with questions, concerns, or complaints about the handling of their personally identifiable information or this policy may file written comments with the Director. The Director is custodian of library records and is authorized to receive or comply with public records requests or inquiries from law enforcement officers. The library will not make library records available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction, showing good cause and in proper form. All library staff are trained to refer any law enforcement inquiries to the Director.

<sup>1</sup>Qualifying third parties are:

- a collection agency

<sup>2</sup>Patron records show current checkouts. When an item is returned, it is removed from the patron's checkout list. However, patrons who sign up for the reading history service will have their checkout history saved instead of purged. The user has the option to turn off the service and delete his/her reading history at any time.

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