

## Privacy Statement

An important principle of the Wauwatosa Public Library (WPL) is protecting patron privacy and keeping confidential the information that identifies individuals or that associates individuals with their use of library books, materials, equipment, programs, services, facilities, and/or staff assistance. This policy affirms the Library's commitment to privacy and explains the information that the Library collects. In addition this policy alerts visitors to library facilities, as well as users of remotely accessed library services, about 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 WPL 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 patrons and their accounts.

## Legal Protections and Exceptions

Wisconsin law has strong protections in place to assist WPL in keeping records confidential. Staff members are provided training in handling requests from law enforcement. Staff procedures are included as Appendix A.

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 be disclosed only under the following circumstances:

1. With the consent of the individual patron;
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 the Milwaukee County Federated Library System (MCFLS);
6. To other libraries for interlibrary loan purposes in accordance with the standards set forth in Wisconsin Statute Sections 13.30(2) and (3);
7. To a qualifying third party\* 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.

\*Qualifying third parties are:

- A collection agency;
- A law enforcement agency, but only if the dollar value of the individual's delinquent account is at least \$50.

In certain circumstances, library records may be subject to disclosure to law enforcement officials under provisions of state law or federal law under the provisions of the USA Patriot Act (Public Law 107-56). In accordance with the USA Patriot Act, public libraries must allow an immediate search and possible seizure of equipment or information if presented with a FBI National Security Letter or Foreign Intelligence Surveillance Act Warrant.

## Library Records

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

1. To receive a library card, patrons are required to provide identifying information such as name, birth date, and a physical address as well as mailing address (if different). The identifying information is retained, as long as a patron continues to use the library card. In most cases, the information will be in the database for a maximum of three years after a patron stops using the library card, at which time the record is deleted. WPL does not record or save patrons' Social Security numbers or State Drivers' License numbers.

2. A patron's circulation record includes current identifying information, items currently checked out or on hold, overdue materials and fines, and three years of financial transactions.

When an item is returned, it is removed from a patron's checkout list. However, patrons who themselves sign up for the reading history service will have their checkout history saved instead of purged. Patrons have the option to turn off the service and delete their checkout history at any time. WPL staff do not have access to a patron's checkout history.

3. MCFLS' software retains a rolling list of the last five patrons to check in material on each item record. This data is automatically removed once a patron's data goes beyond the five maximum entries.

4. WPL may also gather information necessary to provide a requested service to a patron including, but not limited to, the following examples:

- Records of electronic access information such as the library card or guest pass number used to log only library public computers or search a library database;
- Records for interlibrary loan requests or reference services;
- Records needed to sign up for or participate in library classes and programs;
- Records for use of meeting rooms;
- 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 WPL email accounts may be subject to open records requirements.

5. WPL 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 a patron'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**

A patron is responsible for notifying the Library immediately if a library card is lost or stolen or if they believe someone is using their card or card number without permission. WPL recommends these precautions:

- Log off systems after use;
- Don't share library cards, user IDs, or passwords
- Change any assigned passwords when registering for a library card;
- 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**

Patrons may access their personally identifiable information held by WPL and are 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. Patrons may view or update their personal information in person at the Library.

### **Parental Access to Children's Records**

For the protection of patron privacy, a parent or guardian seeking records of their minor child, under age 16, may be asked to provide proof of their child's age as well as evidence they are the custodial parent or guardian.

According to Wisconsin State Statute 43.30(1b)(ag) "Custodial parent" includes any parent other than a parent who has been denied periods of physical placement with a child under s. 767.41(4).

Wisconsin State Statute 43.30(4) allows this access for custodial parents of only those children who are under age 16.

### **Items on hold**

Items placed on hold for patrons are shelved for pick-up in the public areas of WPL. Patrons may designate other individuals to have permission to pick up their holds. Holds will be checked out on the library card of the patron that placed the hold.

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

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

MCFLS maintains the online catalog and a number of databases. MCFLS automatically collects and maintains statistical information about patrons' visits to the library catalog and databases. This information includes the Internet Protocol (IP) address of the visitor, the computer and web browser type, the pages used, the time and date, and any errors that occurred. This information is used for internal reporting purposes and individual patrons are not identified. Network traffic is monitored to identify unauthorized attempts to upload or otherwise damage the web service. If a patron chooses to pay fines and fees via credit card, the credit card number is not stored in the patron's library account; it is simply passed through to the payment processor.

### **Websites**

WPL's website contains 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 patrons to become familiar with privacy policies of other sites visited, including linked sites.

The WPL website does not collect personally identifying information from visitors to the website unless a patron requests a service via the library website. The Library may collect non-personal information from visitors to the website for statistical analysis, site assessment, server performance, authentication, troubleshooting and other management purposes. Examples of non-personal information collected include Internet Protocol (IP) address of the computer, the type and version of browser and operating system the computer uses, geographical location of the network used to link to the Library's site, and time and date of the access. There is no link to personally identifiable information in computer communications, unless a patron has provided that information in the content of a transaction, such as filling out an online form to request a service.

The Library uses temporary "cookies" to maintain authentication when a patron is logged in to the online catalog. A "cookie" is a small text file that is sent to a patron's browser from a website. The cookie itself does not contain any personally identifiable information. Other electronic services offered by the Library through third-party vendors may use "cookies" to help control browser sessions. Websites may use the record of "cookies" to see how the website is being accessed and when, but not by whom.

Library database users may be asked for their library card number to ensure that only authorized patrons have access. Database vendors do not have access to any patron records or information.

WPL and MCFLS work with a variety of partners to provide digital content to patrons. Prior to checking out any of the Library's digital content, patrons should be aware of the privacy policy of the company that is providing the service.

### **Wireless Access**

WPL offers free wireless Internet access (Wi-Fi) for patrons to use with their own mobile devices. These access points are unsecured. A patron's use of this service is governed by the Library's Computer and Internet Use policy.

Due to the proliferation of Wi-Fi networks, patrons may also be able to access other Wi-Fi networks within the Library that are not provided by WPL. Use of these non-library wireless networks within the Library's facilities is also governed by the Library's Computer and Internet Use policy.

As with most public Wi-Fi, the Library's Wi-Fi is not secure. Any information being transmitted could potentially be intercepted by another Wi-Fi user. Use of the Library's Wi-Fi is entirely at the risk of the patron. 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 RSS feeds from WPL's website, 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.

### **Radio Frequency Identification (RFID)**

WPL uses RFID technology to secure and circulate its collection. The only information stored on the RFID tag is the item barcode and a security bit that indicates if the item is checked-out or not. RFID technology is not used in library cards.

### **Library Photos and Videos**

WPL has the right to take photos, videos, and other recordings and use them at its discretion.

## **Video Surveillance**

In order to maintain a safe and secure library, selected areas of WPL premises are under continuous video surveillance and recording.

Images from the surveillance system are stored digitally on hardware in the Library. It is the intent of the Library to retain all recorded images for approximately sixty days, or until image capacity of the system is reached. The oldest stored images will be automatically deleted by system software to make room for new images. Typically, images will not be routinely monitored in real-time, nor reviewed by Library staff.

While it is recognized that video surveillance will not prevent all incidents, its potential deterrent effect, and its use as a means of identifying and prosecuting offenders, is considered worthwhile.

Video surveillance data are considered to be protected public library records. State Statutes carefully define law enforcement officials' authority to view surveillance data, and the Library will cooperate with law enforcement officials as permitted by Wisconsin Statutes Chapter 43.30(5) in two specific circumstances:

1. Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or in part by public funds, the library shall disclose to the law enforcement officer all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.
2. If a library requests the assistance of a law enforcement officer, and the director of the library determines that records produced by a surveillance device under the control of the library may assist the law enforcement officer to render the requested assistance, the library may disclose the records to the law enforcement.

## **Illegal activity prohibited and not protected**

Patrons may conduct only legal activity while using WPL resources and services. Nothing in this policy prevents WPL 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. WPL 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 patrons, staff, facilities, computers and the network. This includes contacting law enforcement authorities and providing information that may identify individuals suspected of violations.

## **Enforcement and redress**

Patrons with questions, concerns, or complaints about the handling of their personally identifiable information or this policy may file written comments with the Library Director. A response will be sent in a timely manner and the Library may conduct an investigation or review of practices and procedures. The Library conducts such reviews as necessary to ensure compliance with the principles outlined in this policy. The City of Wauwatosa's Notice of Public Records details how public records requests are handled.

## **Policy Changes**

This Privacy Policy may be revised to reflect changes in the Library's policies and practices or to reflect new services and content provided by the Library. Patrons are encouraged to check this document periodically to stay informed of the Library's current privacy guidelines.



*Adopted by the Board of Trustees of the Wauwatosa Public Library on November 20, 2019.*

# Wauwatosa Public Library Privacy Policy

## Appendix A: Staff Procedures

No information about patron records will be given out to any individual or organization except as delineated in the Privacy Policy and applicable state and federal laws.

### Parents and Children

Wauwatosa Public Library (WPL) staff will provide records to the parent or guardian of a child under the age of 16 (not to include age 16) who requests that information, per 43.30 (4).

### Issuance of information to a law enforcement official

1. All such requests will be referred to the Library Director, or designate, who will contact the City of Wauwatosa Attorney's Office and the Milwaukee County Federated Library System (MCFLS) Office. Staff will not provide records or answer questions.
2. If the agent or officer does not have a **court order** compelling the production of records, the Library Director, or designate, will give the agent a copy of the Privacy of Library Records and Library Use Policy and point out relevant sections.
3. If the court order is in the form of a **subpoena**, the Library Director, or designate, will contact the City Attorney's Office and MCFLS Office for review. MCFLS is the sole point of contact for any surrender of Library System-held information or borrowing data.
4. If the court order is in the form of a **search warrant**, the agent or officer may begin a search of library records as soon as they enter the library. Staff will immediately inform the Library Director, or designate, who will contact the City Attorney's Office and MCFLS Office.
5. If the court order is a search warrant issued under the **Foreign Intelligence Surveillance Act (FISA)** (USA Patriot Act amendment), the procedure for a search warrant applies. However, this type of search warrant also contains a "gag order." No person or institution served can disclose that the warrant has been served or that records have been produced. The Library and its staff must comply with this order. No information can be disclosed to any other party, including the patron whose records are the subject of the search warrant.

The gag order does not change the Library's right to legal representation during the search. Legal counsel should be called immediately, although the FBI does not have to wait until the Library receives legal counsel before acting on the court order. WPL has the right to contact an attorney, which is not a breach of the gag order because conversations are covered by attorney-client privilege.

If the City Attorney's Office cannot be reached, the Library Director, or designate, may contact the American Library Association Office for Intellectual Freedom (OIF) at (800-545-2433 x4223) and state **only**, "I need to speak with an attorney." The OIF will put WPL staff in touch with an attorney familiar with FISA.