

Forrest R. Polk Library
The University of Wisconsin Oshkosh
Policy on Privacy and Confidentiality
Reviewed by UWS General Counsel's Office

According to Wisconsin Statutes and Annotations (2001 - 02) 43:30, Forrest R Polk Library maintains the privacy and confidentiality of all library borrowers' records and of all other information relating to an individual's use of the library's resources and services.¹ Accordingly, Polk Library will not disclose such information except as required by law.²

Except as provided below, Polk Library may release information about an individual's library transactions only to that individual or persons acting in the scope of their duties in the administration of the library.

When presented by a law enforcement official with a court order for the production of any tangible items (including books, records, papers, documents, or other items), or a court order authorizing the installation of a pen register or trap and trace devices on wire or communication devices provided by the library, library staff members:

- Will refer the law enforcement official to the Library Director or, in his/her absence, to the Associate Vice Chancellor for Enrollment and Information Services; and
- Will not disclose the fact of the referral or the existence or content of the court order to any other person.

July 9, 2003

¹ **WISCONSIN STATUTES (2001 - 02) 43:30 states:** " (1) Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, records or services may not be disclosed **except by court order** [*emphasis added*] or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, or to libraries as authorized under subs. (2) and (3).

² See also ALA [Code of Ethics](#), point III: "We protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted."

Procedures For Student Staff Pertaining to the Library's Privacy and Confidentiality Policy

1. An individual may only check on his/her own library records. An individual will be permitted to view his/her own circulation records only upon presentation of their University ID card. Corroborating identification may be required at the discretion of the library staff.

2. If a person (whether a campus employee, community member, or law enforcement official) requests information that falls within the library's privacy and confidentiality policy, the student staff member involved will refer the person to his/her supervisor. Requests that fall into this category may include: information about whether a person is in the building, information about what materials or computers a person may have been using. The student staff member should say: "I cannot provide you with that information. Would you like to speak to my supervisor?" or "I will get my supervisor." Remain calm and speak in a non-threatening or non-threatened way.

3. If your supervisor is not present, refer the requesting individual to the Library Director (or designee) or, in his/her absence, to the Associate Vice Chancellor for Enrollment and Information Services. *(If no supervisor is available in the building, the Library Director can be contacted at home. Please leave a detailed message if the phone is not answered.)*

4. If law enforcement official presents you with proper identification and a **search warrant**, you should notify your supervisor immediately. Say to the law enforcement official: "I will have to get my supervisor to handle this." Do not attempt to handle this alone. If your supervisor is not present, refer the requesting individual to the Library Director (or designee) or, in his/her absence, to the Associate Vice Chancellor for Enrollment and Information Services. *(If no supervisor is available in the building, the Library Director can be contacted at home. Please leave a detailed message if the phone is not answered.)*

5. If a law enforcement official presents you with a court order/**subpoena**, you:
 - Should remember that the law enforcement official does not have the right to demand the information outlined in the **subpoena** immediately. There is time allowed for the University to determine if the **subpoena** is in proper form.
 - Will refer the law enforcement official to your supervisor. If your supervisor is not present, refer the requesting individual to the Library Director (or designee) or, in his/her absence, to the Associate Vice Chancellor for Enrollment and Information Services.

6. If law enforcement official informs you that you cannot disclose the existence of either a **search warrant** or **subpoena**, **you can still inform** your supervisor, the Library Director (or designee) or, in his/her absence, the Associate Vice Chancellor for Enrollment and Information Services. You **cannot** discuss the **search warrant** or **subpoena** with any other person.

7. In all cases where law enforcement officials make inquiries or present a **search warrant** or **subpoena**, the student staff member involved will keep a written log of events. This log will include: date, description of the request, requesting individual's name, result of request, student staff member's name. Please be as complete as possible in documenting the events. Give this written information to your supervisor as soon as possible.

Procedures For Staff Pertaining to the Library's Privacy and Confidentiality Policy

1. An individual may only check on his/her own library records. An individual will be permitted to view his/her own circulation records only upon presentation of their University ID card. Corroborating identification may be required at the discretion of the library staff.
2. If a person (whether a campus employee, community member, or law enforcement official) requests information that falls within the library's privacy and confidentiality policy, the staff member involved will explain that the request falls within this policy and provide the requestor with a copy of the policy. Requests that fall into this category may include: information about whether a person is in the building, information about what materials or computers a person may have been using. The staff member should say: "Due to the Library's Privacy and Confidentiality Policy, I cannot release that information." "Would you like a copy of the policy?" "Would you like to speak to my supervisor?" "Would you like to speak to the director?" Remain calm and speak in a non-threatening or non-threatened way. Feel free to refer the person to your supervisor or the Library Director.

Refer the person to the proper campus offices if he/she asks for non-library information.

3. If a law enforcement official presents a library staff member with proper identification and a **search warrant**, the staff member will notify the Library Director (or designee) or, in his/her absence, to the Associate Vice Chancellor for Enrollment and Information Services immediately. *(If no supervisor is available in the building, the Library Director can be contacted at home. Please leave a detailed message if the phone is not answered.)*

Search warrants are immediately executable, although you should not attempt to handle this alone. The Library Director will notify the Associate Vice Chancellor for Enrollment and Information Services or the Provost and ask to have UW System Legal Counsel present during the search in order for counsel to examine the search warrant and to assure that the search conforms to the terms of the search warrant. If the law enforcement official seizes any items as a result of the search, he/she will provide a written receipt indicating what items have been removed from the library.

4. If a law enforcement official presents a library staff member with a **subpoena** for the production of any tangible items (including books, records, papers, documents, surveillance videotapes, electronic files, or other items), or a court order/**subpoena** authorizing the installation and use of trap and trace devices on wire or communication devices provided by the library, the library staff member:
 - Should remember that the law enforcement official does not have the right to demand the information outlined in the **subpoena** immediately. There is time allowed for the University to determine if the **subpoena** is in proper form.
 - Will refer the law enforcement official to the Library Director (or designee) or, in his/her absence, to the Associate Vice Chancellor for Enrollment and Information Services. With a court order, there is only the requirement that the staff member accept the document. You will not have to give up records or allow installation of devices at that time.
5. If a law enforcement official informs you that you cannot disclose the existence of either a **search warrant** or **subpoena**, **you can still inform** your supervisor, the Library Director (or designee) or, in his/her absence, the Associate Vice Chancellor for Enrollment and Information Services. You **cannot** discuss the court order with any other person.

6. If a law enforcement official presents the Library Director with a court order/**subpoena** for release of the above mentioned items or the installation of certain surveillance devices, the Library Director will confer with the Associate Vice Chancellor for Enrollment and Information

Services or the Provost and UW System Legal Counsel to determine if such order is in good form and if there is showing of good cause for its issuance. If the **subpoena** is not in proper form, or if good cause has not been shown, the Library Director will not release any items or permit installation of any surveillance devices until the **subpoena** is shown to be in proper form.

7. If the **subpoena** is in good form, Polk Library will cooperate fully with the terms of it and will release tangible items (including books, records, papers, documents, surveillance videotapes, electronic files, or other items), and **only those items**, specified in the **subpoena**.

8. In all cases where a law enforcement official makes inquiries or presents a **search warrant** or **subpoena**, the staff members involved will keep written a log of events. This log will include: date, description of the request, requesting individual's name, result of request, staff member's name. Please be as complete as possible in documenting the events.