

Idaho Falls Public Library Library Patron Records

The Idaho Falls Public Library endeavors to protect the privacy of Library records and the confidentiality of patron use of the Library to the extent allowed by applicable law.

Records indicating the identity of Library users may include a Library user's name, physical image, library card number, social security number, telephone number, street address, post-office box number or 9-digit extended zip code. Other records may include Library patron usage of materials, enrollment in programs, meeting space rental, internet searches, and use of Library apps (such as Overdrive, Libby, Rosetta Stone, etc.).

Rules to be followed by library staff

- (1) Library staff should only disclose Library records indicating the identity of Library users under the following conditions:
 - a) internal disclosure to staff members of the Idaho Falls Public Library, and the staff of other libraries and library systems, and only "as needed" for conducting Library business and pursuant to this Policy.
 - b) disclosure as authorized by the individual Library user.
 - c) disclosure to custodial parents or guardians of children under the age of 16.
 - d) disclosure required by the Idaho Public Records Law. (Idaho Code Title 79, Chapter 1).
 - e) disclosure to a peace officer or first responder in the case of an emergency, if requested.
- (2) All requests for personal information or Library records information must be made in writing.
- (3) Library staff must refer all requests for Library records and all requests for information about particular Library users to the Library Director or the Director's designee or to the City Attorney's office.

Handling requests from custodial parents or guardians of children under the age of 16

Requestor must demonstrate that they are the child's "custodial parent."

The Library staff will:

- (1) request identification.
- (2) if the requestor is the parent or guardian listed on the child's library record and the requestor resides at the same address, the staff may provide the requested information pursuant to this Policy; otherwise the staff shall obtain a completed and signed "Request for Access to Child's Library Record" form to help ensure that the requestor is indeed the child's custodial parent or guardian.
- (3) The staff may then grant the request or refer the request to the Library Director or designee.

The Library staff will attempt to satisfy the request without unreasonable delay. In most cases this will be at the time of the request. If there is a question of the requestor's guardianship or

about the information requested, Library staff may delay the response until it is reviewed by the Library Director and/or Library Board and/or City Attorney's office (either 3 or 10 days, pursuant to Idaho Public Records Law). If a request is denied, the requester can appeal, as per Idaho Code 74-115.

Handling of court orders

Note: All search warrants are court orders, but *not* all subpoenas are court orders. Library staff may not disclose library records in response to a subpoena that is not a court order if those records indicate the identity of library users.

- A. If a law enforcement officer (or anyone else) brings a subpoena directing Library staff to produce Library records:
 - (1) Immediately notify the Library Director, or if the Director is not available, notify the highest-ranking staff person on duty.
 - (2) The Library Director or the highest-ranking staff person should ask the City Attorney's office to review the subpoena or order.
 - (3) If appropriate, ask the City Attorney's office to take recommended legal action.
 - (4) Follow legal counsel's advice.

- B. If law enforcement officers bring a search warrant:
 - (1) Immediately inform the Library Director or the highest ranking staff member and the City Attorney's office of the warrant.
 - (2) Request that the law enforcement officers to please wait until the City Attorney's office gives legal advice to the Library staff. A representative from the City Attorney's office may wish to be present before the search begins in order to assure that the search conforms to the terms of the search warrant. Note: The law enforcement officials are ***not*** required to accede to your request to delay the search.
 - (3) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other Library users' records are disclosed.

- C. If FBI agents bring a court order in the form of a search warrant issued under the Foreign Intelligence Surveillance Act (FISA):
 - (1) The law enforcement officers may begin a search of Library records as soon as they enter the Library.
 - (2) Request politely that the law enforcement officers wait until the City Attorney's office gives legal advice to the Library staff. A representative from the City Attorney's office may wish to be present before the search begins in order to assure that the search conforms to the terms of the search warrant. Note: The law enforcement officials are ***not*** required to accede to your request to delay the search.
 - (3) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.
 - (4) It is illegal to disclose to any other person (other than those persons necessary to produce the tangible things sought in the warrant) that the FBI has sought or obtained records or other items under the Foreign Intelligence Surveillance Act (FISA).