

Policy 2.1.1: Disclosure of Library Records

Approved and Adopted by Board of Trustees December 11, 2025

The Library takes seriously its obligation to protect the privacy of every patron, as required by law, even if this commitment to patron's privacy may appear to cause inconvenience on occasion. To that end, Library Records or other confidential information shall be released or disclosed only as provided for herein or otherwise provided by Michigan or federal law.

- A. **Freedom of Information Act Requests.** All requests for public records that are not subpoenas, court orders or other legal process must be processed according to the Michigan Freedom of Information Act ("FOIA") and the Library's FOIA Procedures and Guidelines. See Procedures and Guidelines and Written Summary for additional information. Library Records are exempt from disclosure under the FOIA.
- B. **Subpoenas, Court Orders or other Legal Process.** Any employee of the Library who is served with a subpoena, court order, or other legal process to release or disclose any Library Record or other Library document from (1) a state or local law enforcement agency or (2) a federal law enforcement agency shall promptly notify the District Director, or his/her designee. If neither is available, the Library Board Chairperson shall be contacted.
 - Consultation with Attorney. The District Director, his/her designee, or the Board Chairperson has the authority to consult with the Library Attorney regarding the sufficiency, scope or any other matter related to the subpoena, court order or other legal process.
 - Action by District Director. After review of the subpoena, court order or other legal process, the District Director, his/her designee, or the Board Chairperson shall take appropriate action to respond.
 - Opportunity to be Heard. Depending upon the type of subpoena, court order or other legal process, the Library may appear and be represented by counsel at a hearing on the request for records.
 - Confidentiality. If a subpoena, court order or other legal process is submitted to the Library, the Library shall keep the subpoena, court order or other legal process confidential if required by court order, Michigan law or federal law. To that end, the Library may not be able to inform the patron that his/her records were sought. The Library Board acknowledges that the District Director, if required by a non-disclosure order or law, may not be permitted to inform the Board or its individual members that a local, state or federal agency has sought or obtained requested records.
- C. **Consent.** In compliance with the Michigan Library Privacy Act, a person who is liable for the payment or return of the materials identified in a Library Record or portion of a Library Record may provide written consent for the release of that Library Record. Further, a parent or legal guardian who signs to accept legal responsibility for returning his/her child's (under the age of 18) library materials and accepts financial liability for that child's library fines and other charges, may authorize the disclosure

of the minor's Library Records by signing the disclosure and release statement granting consent on behalf of the minor.

D. ***Voluntary Disclosure without Court Order and Consent.*** A library or an employee or agent of the Library may disclose Library Records without a court order or written consent under either of the following circumstances:

- Collection Agency. The Library or an employee or agent of the Library may report information about the delinquent account of a patron who obtains materials from the library to a collection agency under contract with the library. The Library or an employee or agent of the Library shall provide the collection agency with only the library records necessary to seek the return of overdue or stolen materials or to collect fines from the patron.

Interlibrary Loan. The Library or an employee or agent of the Library may disclose library records to another library or library cooperative for the purpose of conducting interlibrary loans. The Library Records must be limited to those required for providing interlibrary loans