Patron Privacy Policy

The Charlevoix Public Library Board of Trustees abides by the Michigan Library Privacy Act -- Public Act 455 of 1982 and the USA Patriot Act and believes in free and uninhibited access to library materials and information, as well as the right to dissent. An individual must be able to inquire or read freely, without worry of being monitored.

For the purposes of this policy, a library record (as defined in the Michigan Library Privacy Act), is “a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron’s name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library.” Library records might include but are not limited to: circulation records, written reference requests, virtual reference requests, computer usage data, and security camera footage.

All records, formal and informal, in the Charlevoix Public Library containing patron registration information and the subsequent borrowing records of patrons are strictly confidential except as allowed in this policy.

In order to prevent an unreasonable invasion of personal privacy, the contents of registration and circulation records shall not be available to anyone besides the library staff in the performance of library duties except under the written order of the Director, such order having been issued pursuant to a proper legal process, order, or subpoena.

1. Upon receipt of any process, order, or subpoena from a state or local law enforcement officer (Michigan Privacy Act) the officer shall confer with the director or his/her designee and the legal counsel of the Charlevoix Public Library to determine if such process, order, or subpoena is proper and enforceable.

   In the event the legal process fails to sufficiently identify or name in specific terms the records on file, in respect to an identified library patron, the request is considered to be defective and not binding upon the library and its personnel except under further due process of law.

2. In the case of library staff served with a federal search warrant or court order as part of an FBI investigation (USA Patriot Act) the court order may not be deferred. In that case, the staff must comply with the court order with the following procedure:
   a. Contact library director, if unavailable,
   b. Contact Library Board President, if unavailable,
   c. Contact legal representation from Plunkett-Cooney: 347-1200.
   d. Library Staff will ask for identification from the person with the warrant
   e. Call the office of the FBI to check the identity of the person, 313-965-2323. Employee would dial that # and state their name and library and that they would like office to “verify that the person is an agent.” Give the operator the agent’s name and credentials.
   f. Ask for the court order or search warrant and make a copy
   g. Comply with the request

   Librarians and staff served with a federal search warrant under the USA PATRIOT Act may not disclose to anyone its existence or that federal law enforcement has obtained what it sought, except to those necessary to obtain the things sought in the warrant.

Any problems or conditions relating to the privacy of a patron which are not specified in this policy shall be referred to the director, who after study and consultation with legal counsel shall decide whether or not to heed the request for information.