

**LIBRARIES**  
**(75 ILCS 70/) Library Records Confidentiality Act.**

(75 ILCS 70/1) (from Ch. 81, par. 1201)

Sec. 1. (a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

(1) required to do so under a court order; or

(2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section. This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

(b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 95-40, eff. 1-1-08.)

(75 ILCS 70/2) (from Ch. 81, par. 1202)

Sec. 2. This Act may be cited as the Library Records Confidentiality Act.

(Source: P.A. 86-1475.)

## **SIGNIFICANT AMENDMENT TO LIBRARY RECORDS CONFIDENTIALITY ACT**

House Bill 237, Public Act 95-0040 effective 1/1/08, amended the Library Records Confidentiality Act, 75 ILCS 70/1. The amendment allows law enforcement officers, without a Court Order, to request information in emergency situations regarding the identity of suspects, witnesses, or victims where the officer believes there is imminent danger of physical harm.

The general rule under the Library Records Confidentiality Act remains the same, i.e., library registration or circulation records remain confidential and may not be released without a Court Order. P.A. 95-0040 makes an exception to the general rule provided:

1. A sworn law enforcement officer represents to the Library it is impractical to get a Court Order as a result of an emergency; and
2. The officer has probable cause to believe there is imminent danger of physical harm; and
3. The information requested is limited to identifying a suspect, witness or victim of a crime; and
4. The information requested does not include records reflecting materials borrowed, resources reviewed, or services used at the library.

Significantly, only information identifying a suspect, witness or victim of a crime may be disclosed to an officer without a Court Order. All other information remains confidential without a Court Order. Information released shall not include records of materials borrowed, resources reviewed or services used at the library.

A library may require the requesting officer to sign a statement acknowledging receipt of the information. In addition, the Library may ask a Court to review whether the officer's request complied with the law. Libraries are protected from patron claims that disclosure under the law constituted a breach of confidentiality. Finally, the right of a patron to challenge the disclosure remains.

A sample form of request is provided.

This is a narrow exception to the existing rule about maintaining confidentiality. As I have recommended for years, a meeting between Library representatives and local police officials provides an important educational forum as to the "ground rules" about library confidentiality.

**OFFICER’S REQUEST FOR CONFIDENTIAL LIBRARY INFORMATION**

- A. This is a request under the Library Records Confidentiality Act, 75 ILCS 70/1 (copy attached) for information contained in the Library’s registration and/or circulation records.
  
- B. My request for information is limited to identifying a “suspect, witness, or victim of a crime.” I understand that the information requested shall not include records of materials borrowed, resources reviewed or services used at the library.
  
- C. As the bases for this request, I represent the following:
  - 1. I am a sworn law enforcement officer.
  
  - 2. As a result of an emergency where I believe there is imminent danger of physical harm, it is impractical to secure a Court Order for the identification information.

D. The information I request relates to the following:

\_\_\_\_\_  
\_\_\_\_\_  
(description of information sought)

_____ Officer’s signature	_____ Officer’s Agency/Department
_____ Officer’s printed name	_____ Date signed
_____ Officer’s badge number	_____ Time signed

**OFFICER’S ACKNOWLEDGEMENT**

I acknowledge receipt from the Library of the information I requested.

_____ Officer’s signature	_____ Date signed
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(Library Use Only)

Name(s) of Library Staff assisting with the information requested:

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