

## **2.1 Confidentiality of Library Records**

The registration and circulation records of a library are confidential. The Illinois Records Confidentiality Act 75 ILCS 70/1-2 (“the Act”) provides that confidential library records (records of an individual patron’s use of library materials or resources and registration) may not be made available in any format to a federal agent, state or local law enforcement officer, or other person without a court order. At the same time library staff must cooperate with federal, state, and local law enforcement agencies when acting within the scope of a lawfully issued court order.

### **2.1.1 Exceptions**

75 ILCS 70/1-2 allows an exception to the Library Records Confidentiality Act. Sworn law enforcement officers may request information in emergency situations regarding the identity of suspects, witnesses, or victims where the officer believes that there is imminent danger of physical harm, provided:

1. A sworn law enforcement officer represents to the library that 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 without a court order may not include records reflecting materials borrowed, resources reviewed, or services used at the library.

Under this exception, 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. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. Following compliance with the law under this exception, the library may seek subsequent judicial review to assess compliance with this Act. Libraries are protected from patron claims that disclosure under the law constitutes a breach of confidentiality. A patron retains the right to challenge the disclosure.