

Village of Mukwonago
Notice of Meeting and Policy Committee Agenda

LIBRARY BOARD OF TRUSTEES MEETING
Thursday, June 29, 2023

Time: **11:00 am**

Place: **Mukwonago Community Library, 511 Division St., Mukwonago, WI 53149 and
via Zoom**

Zoom login

<https://us02web.zoom.us/j/88015503991?pwd=ZEtiYmtxbEY3RE5GWIBrampGVnRTZz09>

Meeting ID: 880 1550 3991

Passcode: 308598

1. Call to Order

2. Roll Call and Introduction of Guests

3. Approval of Minutes

3.a Minutes from April 27, 2023

[Policy Committee Meeting Minutes 20230427_unapproved.pdf](#)

4. Discussion/Action Items

4.a Public Behavior Policy

Discussion and possible action on revisions to the Public Behavior Policy that has undergone review by Village legal counsel.

[DRAFT Public Behavior Policy_v3_for PC 20230629.pdf](#)

4.b Surveillance Camera Usage Procedures

Discussion and possible action on updating the Surveillance Camera Usage Procedures including considering its relationship to other policies.

[Surveillance Camera Usage Procedures_approved 20191010.pdf](#)

4.c Confidentiality and Privacy Policy

Discussion and possible action on updating the Confidentiality and Privacy Policy including considering its relationship to other policies.

[Confidentiality and Privacy Policy approved 20190117.pdf](#)

5. Referral Items

6. Confirm Next Meeting Date

7. Adjourn

It is possible that a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Municipal Clerk's Office, (262) 363-6420.

Mukwonago Library Board

Policy Committee **DRAFT Meeting Minutes**

Meeting of Thursday, April 27, 2023

I. REGULAR ORDER OF BUSINESS

A. The meeting was called to order at 1:05 p.m., April 27, 2023 by Policy Chair Howard Pringle. In attendance were committee members Trustees Donna Whalen, Carol Stienstra and Howard Pringle. Trustee Diane Magolan attended the hybrid meeting by Zoom. Also in attendance was Library Director Abby Armour.

B. Public Comment.

There were no public comments.

C. The minutes of the March 1, 2023 Policy Committee meeting were reviewed. The minutes were approved as submitted.

Motion by Whalen, second by Stienstra. Motion approved.

II. NEW BUSINESS – DISCUSSION / ACTION ITEMS

A. Materials Selection Policy

Library Director Armour explained and detailed the changes to the Materials Selection Policy that was presented to the Committee for review. A significant number of changes and formatting updates were made to the existing policy to better reflect current selection and ownership practices and issues, and to present a more unified and logically laid out policy for staff and Board use. After considerable discussion by the committee and a number of suggested changes that the Committee put forward to be incorporated into the draft, the Committee recommends that the revised policy be forwarded to the Village legal staff for review and, after legal review, to the Board for approval and adoption with any changes suggested by legal, at a Board meeting the date for which is to be determined.

Motion by Whalen, second by Magolan. Approved unanimously.

B. Public Behavior Policy

Library Director Armour presented a draft of a revised and rewritten policy that clarifies some issues dealing with various public behaviors. After some inquiries and requests for minor clarifications from the Committee were answered, the Committee feels that the policy meets the needs of the library staff and that the revised policy be forwarded to the Village legal staff for review and, after legal review, to the Board for approval and adoption with any changes suggested by legal, at a Board meeting the date for which is to be determined.

Motion by Whalen, second by Stienstra. Approved unanimously.

III. REFERRAL ITEMS

There were no referral items.

IV. NEXT MEETING DATE

The next meeting of the Policy Committee will be held at 11 a.m. on Thursday, June 29, 2023.

V. ADJOURNMENT

Whalen moved, second by Stienstra that the meeting be adjourned. Motion passed unanimously. The meeting adjourned at 2:19 p.m.

Minutes submitted by Howard Pringle, April 27, 2023

**Mukwonago Community Library
Public Behavior Policy
Revisions from Legal – For Policy Committee June 29, 2023**

The purpose of this policy is to provide clear guidelines of conduct to ensure a safe, orderly, and comfortable atmosphere in the Mukwonago Community Library. Library staff and MCL users share the responsibility to always maintain this atmosphere. To that end, the following guidelines define those behaviors and activities that are and are not allowed on Library property. Sections include:

- I. Library Staff Responsibilities
- II. Library User Responsibilities and Code of Conduct
- III. Policy on Filming, Photographing, and Recording in the Library
- IV. Safe Child Guideline
- V. Theft
- VI. Enforcement of this Policy
- VII. Emergency Numbers

Appendix A: User Expulsion Staff Report

Appendix B: Process for Appealing Expulsion

Appendix C: Accident/Incident Report

I. Library Staff Responsibilities

- A. The Library Board has established this policy in accordance with Wis. Stat. § 43.52(1) and the Waukesha County Library Services Plan to ensure that MCL is a safe and welcoming place that provides equitable access to materials and services for all Library users.

B. Library Staff Will:

- i. Be an example of calm and safe behavior when representing the Library;
- ii. Provide courteous and knowledgeable assistance;
- iii. Guarantee equitable access to Library resources;
- iv. Ensure a reasonably quiet environment;
- v. Furnish a clean and safe physical environment; and
- vi. Enact appropriate and equitable intervention when users do not observe the Library Code of Conduct and other Library policies.

II. Library User Responsibilities and Code of Conduct

- A. These general rules of behavior are designed to protect the rights of all library users and to outline acceptable and unacceptable behavior that applies to all Library property, both inside and outside. The rules and responsibilities set forth in this policy are intended to ensure that all users are able to use MCL and its collection for its designated purposes

Commented [MSC1]: I don't think this statute applies. It doesn't pertain to the establishment of policies by the Board. It only has to do with auditing and approving expenditures and paying bills. I'm not sure if this was taken from an older version of the statutes, but I looked back at the legislative history of that particular statute and I don't see anything mentioning the establishment of policies or of any duties to ensure safety. It looks like there was a somewhat substantial overhaul in 1997 that repealed statutory standards for administrative rules regulating public library systems

Commented [AA2R1]: I updated the relevant statute. § 43.52(1) reads "Any municipality may establish, equip and maintain a public library, and may annually levy a tax or appropriate money to provide a library fund, to be used exclusively to maintain the public library. The municipality may enact and enforce police regulations to govern the use, management and preservation of the public library."

without interference by or from the conduct of others. When these rules are violated, MCL reserves the right to notify parent(s)/legal guardian(s) of minors, engage the assistance of law enforcement, or take steps up to and including banning library users to ensure the safety of everyone on MCL property and to preserve MCL materials and facilities.

B. Library Users MUST:

- i. Conduct themselves appropriately, within the limits of MCL's rules, all applicable laws, and common sense.
- ii. Follow all MCL policies and Library staff direction.
- iii. Interact respectfully with other users and MCL staff.
- iv. Ensure a reasonably quiet environment while inside the building.
 - Take phone calls and conversations to the study rooms or foyer.
 - Use headphones to listen to music or other audio recordings.
- v. Act in a safe and mindful manner.
 - Walk inside the building.
 - Keep entrances and walkways open.
- vi. Respect MCL property.
 - Use spaces and furniture as intended.
 - Throw away trash.
- vii. Wear appropriate attire at all times, including shoes and shirts.

C. Library Users Will NOT:

- i. Unreasonably disturb others through disruptive or overly loud behavior, including but not limited to using offensive, threatening, harassing, or abusive language and/or gestures; yelling or holding loud conversations; snoring; and using personal electronics inappropriately or without headphones.
- ii. Solicit, panhandle, beg, or attempt to sell anything, including but not limited to selling items for personal gain or charitable causes, anywhere on MCL property unless it is done as part of an approved MCL group function.
- iii. Circulate petitions or engage in surveying anywhere on MCL property unless it is done as part of an approved MCL group function.
- iv. Maintain personal hygiene that is offensive to the point of disturbing or otherwise interfering with other Library users' reasonable use and enjoyment of MCL, or to the point of interfering with the maintenance of a sanitary and attractive building.
- v. Bring food into the Library building. Drinks are allowed inside the building in tightly covered containers.
- vi. Bring animals into the Library. Service animals, as defined by Title II and Title III of the Americans with Disabilities Act, are welcome. Service animals do not include emotional support animals.
- vii. Run inside the Library.

Commented [AA3]: Green highlights indicate changes Director Armour is proposing after this draft was reviewed by Village legal counsel.

Commented [AA4]: Director Armour is proposing removing the distinction between "inside" and "outside" rules as suggested by legal counsel. This eliminates overlap (for example, weapons are not permitted anywhere on the property, so we don't need to state it twice) as well as creates a clearer document easier to share with library users.

viii. Climb on, jump off, or otherwise inappropriately play on furniture and in spaces inside the Library.

- ix. Leave children or animals unattended in vehicles or on MCL property.
- x. Litter.
- xi. Use another person's Library account or lie to Library staff.
- xii. Use or move Library furniture and fixtures for purposes other than intended.
- xiii. Enter the teen or children's areas unless they are with a child or teen or are retrieving materials for a child or teen. These areas are meant for the use and enjoyment of children and their guardians and the presence of solo adults is often uncomfortable and disruptive. [See the Public Space Usage Policy for more information.](#)
- xiv. Loiter or block entrances, exits, and/or walkways. Bikes and scooters must be parked in the bike racks provided.
- xv. Carry or possess firearms or other weapons anywhere on Library property, except by authorized law enforcement agents.
- xvi. Vandalize, destroy, deface, steal, or otherwise abuse Library property.
- xvii. Violate federal, state, or local laws and ordinances, such as smoking; skateboarding or rollerblading where prohibited; possessing controlled substances including alcohol; public intoxication; public indecency; or acts of violence.

III. Filming, Photographing, and Recording Policy

The primary purpose of the Mukwonago Community Library is to provide a forum for community members to engage in the receipt of information. MCL recognizes that all people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Protecting user privacy and confidentiality while engaged in the receipt of information is therefore an integral part of MCL's mission. To that end, it is MCL's policy that all Library users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Each public library is unique. Different public libraries may have different missions or purposes unique to their communities, collections, or facilities. Those differences may result in recording policies at other public libraries that differ from MCL's policy. MCL further recognizes that legal interpretations of laws pertaining to filming, photographing, and recording in public spaces vary. This recording policy was developed to specifically serve the Mukwonago Community Library's mission and purpose. It reflects the Village attorney's interpretation and opinion of current applicable laws and MCL's commitment to protecting library users' privacy and confidentiality.

A. MCL Recordings

The Library reserves the right to utilize recordings to enhance the safety and security of the property and promote the services and programs it provides. MCL does not share library users' personally identifiable information with third parties or vendors that

provide resources or library services, unless MCL obtains explicit permission from the user or if required by law or existing contract.

i. **Security Cameras** - To enhance the physical security of the Library, its property, staff, and library users, MCL reserves the right to use surveillance cameras in high-traffic areas such as the Library entrance and collection shelving.

i. MCL does not use surveillance cameras to monitor, track, or profile library user's use of library resources beyond operational needs related to safety and security.

ii. Relatedly, all footage recorded by MCL surveillance cameras is considered a "record" under Wis. Stat. § 19.32(2) and is subject to Wisconsin's Public Records Law in Chapter 19 of the Wisconsin Statutes. Footage is retained according to the applicable Records Disposition Authorizations approved by the Wisconsin Public Records Board, FAC00082 and FAC00082A.

ii. **Recording Events and Programs** - MCL staff may record Library programs, activities, and events for use in marketing and promotions.

i. The Library will post signage to indicate when recording may occur.

ii. If a library user does not wish to be recorded, they may tell the staff member.

Commented [AA5]: There is a "Security Camera Usage Procedures" document. The Committee should consider how these documents--as well as the Confidentiality and Privacy Policy--should work together.

Commented [AA6]: This is also referenced in the Confidentiality and Privacy Policy. The Committee should consider how these documents should work together.

B. Library Users Recording Other Library Users. Library users may not film, photograph, videorecord, or audiorecord in any manner or form (hereinafter "record," "recorded," or "recording") other library users while on MCL property unless the subject of the recording has given explicit permission to be so recorded prior to the beginning of any recording.

i. Any library user who wishes to obtain permission from another library user to be recorded may not unreasonably disturb or harass the user or any other library users in the process of seeking such permission. Any requests for permission to record are subject to MCL's Code of Conduct, above.

ii. Library users may not record minors (age 17 or younger) other than their own regardless of whether the minor consents to being recorded.

iii. Library users may take recordings of themselves and their family in the Library, on Library property, or at Library programs or events. In doing so, Library users must take reasonable steps to avoid recording other library users and minors.

iv. Even where a user has consented to be recorded by another user, any recording on MCL premises is prohibited if it is disruptive to other users or interferes with the purpose and/or operation of the Library.

- v. Absent exceptional circumstances, any such recording should take place in a study room or the foyer to minimize disruptions to other library users.

C. Library Users Recording Library Staff. Library users need not obtain permission to record MCL staff members at the Library. However, library users may not record MCL staff members if such recording is harassing, monopolizes staff members' time, interferes with the performance of staff members' duties, or otherwise violates any part of MCL's Code of Conduct.

- i. Users may not record library staff if doing so unreasonably disturbs or disrupts other library users' reasonable use of the library.
- ii. Recording of staff members is prohibited in any private areas in the library that are reserved for use by MCL staff, not open to the public, and designated as such.
- iii. If the recording becomes harassing, disruptive, or otherwise violates these rules or the Code of Conduct, MCL staff reserves the right to ask the recording user to stop recording or to move to a more appropriate location to minimize any disturbance of other library users. If the recording user refuses to stop recording upon such a request, MCL staff reserves the right to contact law enforcement as needed to ensure the safety and comfort of other library users.

III. Safe Child Guideline

All children must follow MCL's Code of Conduct while on library premises. MCL is not equipped—and it is not the Library's role—to provide long-or short-term childcare. The Library assumes neither responsibility nor liability for the actions, care, supervision, or safety of minors while on MCL property. Parents and/or legal guardians are responsible for the actions and behaviors of minors whether they are directly supervising the minor or not. The following age restrictions provide parents and/or legal guardians rules applicable to minors in the Library.

- A. Minors ages 0 to 7 – Must be accompanied by a parent or designated responsible individual aged twelve (12) or older, and be in sight of that person, while in the Library and/or while attending Library programs. This responsible individual must supervise, guide, and control the behavior of their charge(s) at all times.
- B. Minors ages 8 to 11 – May visit the Library on their own and may be left alone to participate in Library programs. They are not allowed to supervise other minors.
- C. Minors ages 12 to 18 – May visit the Library on their own and may be left alone to participate in Library programs. They are allowed to supervise other minors and must supervise, guide, and control the behavior of their charge(s) at all times.

IV. Theft

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- A. Theft of Library Materials – Theft of MCL materials or other property is a crime. Library staff will make every effort to talk to the individual and clear up misunderstandings before assuming a theft has occurred. If an individual intentionally takes and carries away, uses, conceals, or retains possession of materials belonging to the Library, MCL reserves the right to detain the individual for a reasonable amount of time until contact law enforcement and to pursue legal action to recover any losses.
- B. Theft of Personal Belongings – Library users are responsible for their belongings at all times. In the event that a library user believes s/he is the victim of theft, the user should report this to library staff as soon as possible. Library staff will then ask the individual if s/he wishes to file a report with the police and a Library phone will be made available to file the report if requested. MCL staff cannot file a police report on behalf of a library user. Additionally, MCL staff will identify and preserve any surveillance footage that may contain information relevant to the alleged theft for 120 days, as required by Records Disposition Authorization FAC00082A approved by the Wisconsin Public Records Board.

V. Enforcement of this Policy

- A. Library users who fail to follow this policy and/or who engage in conduct deemed inappropriate by Library staff are subject to removal from Library property and/or restriction or revocation of Library privileges. Depending on the severity of the conduct at issue, Library staff will follow this procedure:
 - i. Library staff will issue a verbal warning to anyone not following the Library rules, including to anyone being disruptive.
 - ii. Library staff will give a second verbal warning if the offending behavior persists.
 - iii. If the behavior continues after two warnings, Library staff will ask the user to leave the Library for the rest of the day.
 - iv. Recurring or extreme incidents could result in immediate expulsion from the Library. At their discretion, MCL staff may expel a library user for up to one (1) week without first providing verbal warning(s) when the conduct at issue involves a more serious infraction, including but not limited to conduct that violates any federal, state, or local laws. See Appendix A for “User Expulsion Staff Report.”
 - v. All expulsions will be immediately forwarded to the Library Director for review. Adjustment of the expulsion, further expulsion from using the Library for a period of time, or affirmation of the library staff’s decision will be made by the official ruling of the Library Director. Written notice of an expulsion from using the Library will be mailed to the last known address of the violator when possible.

- vi. Library users may appeal an expulsion decision of the Library Director to the Library Board within 30 days by filling out the “Process for Appealing Expulsion” form in Appendix B and mailing it to MCL or dropping it in the outside book return. Upon receipt of the written appeal, discussion of the appeal will be scheduled on the agenda of the next regularly scheduled meeting of the Library Board. The Board may rescind, adjust, extend, or affirm the expulsion. The Board’s decision will be final.
- B. Library staff may summon law enforcement at any time for assistance with enforcing this policy.
- C. Library Staff will follow these guidelines when handling behavior issues or concerns:
 - i. Be consistent and fair in enforcement.
 - ii. Maintain a calm, nonjudgmental demeanor when dealing with a situation.
 - iii. Explain the consequences clearly to the offending individual and the steps that will be taken if the problem persists.
 - iv. Never touch a Library user (unless it is necessary to defend yourself).
 - v. If the behavior is determined to be illegal, Library staff are to immediately notify the police.
 - vi. If there are dangerous or illegal activities occurring on property adjacent to or near the Library (i.e. situation occurring on the playground equipment, the baseball field, or of illegal activity in the street), Library staff are to immediately notify the police.

VI. Emergency Numbers

Emergency Number: 911

Police Department (Non-Emergency): 262-363-6434 or ext. 1221

Fire / Ambulance Department (Non-Emergency): 262-363-6426 or ext. 3401

Department of Public Works: 262-363-6447 or ext. 7100

Mukwonago Village Hall: 262-363-6420 or ext. 2104

Appendix A

**Mukwonago Community Library
User Expulsion Staff Report**

This form documents an expulsion of a Library user. The Library Staff member who expelled the user must immediately complete this form and submit it to the Library Director.

User Name: _____

Date: _____

Describe the reason for expulsion. Detail what happened, where it happened, how it happened, and the factors leading to the event. Be as specific as possible and list only the facts.

Name of staff member completing form: _____

Days banned (circle one): 1 2 3 4 5 6 7

Banned Until: _____

Library Director name: _____

Library Director final decision: _____

Date notice was mailed: _____

Appendix B

**Mukwonago Community Library
Process for Appealing Expulsion**

Because of your behavior, you have just been banned from the Mukwonago Community Library for an extended amount of time. If you wish to appeal this action, please fill out the form below. You must mail it to the Library or drop it in the outside book return within 30 days of the expulsion. The Mukwonago Community Library Board of Trustees will convene within a reasonable amount of time to consider your request. You may be asked to appear before the Mukwonago Community Library Board of Trustees.

Mailing Address: Attn: Library Director
 Mukwonago Community Library
 511 Division St.
 Mukwonago, WI 53149

User Name: _____

Date: _____

Reason expulsion should be voided:

Signature _____

Appendix C

**Mukwonago Community Library
Accident / Incident Report**

Date of Accident / Incident: _____ Time it Occurred: _____ am/pm

Library Staff Name Filling out Report: _____

Description of Accident / Incident: _____

What Action was taken?

Names / Addresses / Phone Numbers of Person / Persons involved in the incident:

Names / Addresses / Phone Numbers of Person / Persons witnessing the incident:

Signature _____ Date _____

----- LIBRARY DIRECTOR OR SUPERVISOR IN CHARGE TO COMPLETE SECTION BELOW -----

What, in your opinion, caused the accident / incident? What, in your opinion, can be done to prevent a reoccurrence of this accident / incident again?

Signature _____ Date _____

Revision History

September 7, 2017	Problem Behavior Procedures draft presented to the Policy Committee. Note that Problem Behavior Policy is being considered more procedural and to be titled Problem Behavior Procedures.
October 12, 2017	Problem Behavior Procedures draft #2 presented to the Policy Committee.
October 16, 2017	Updated Problem Behavior Procedures replace Problem Behavior Policy as motioned by the Mukwonago Community Library Board.
June 21, 2018	Revised Section II, User Responsibilities and Code of Conduct Guidelines to include no personal bathing or laundering activities in the Library's public restroom facilities. No other changes recommended. Approved by Library Board.
June 6, 2022	Policy updated for clarity and consistency throughout. Integrated "Theft of Materials Policy." Updated appendices to match updates in policy.

Mukwonago Community Library
Surveillance Camera Usage Procedures
Approved 10 October 2019

I. Purpose

The library has installed surveillance cameras to monitor certain high activity areas. These areas include workstations that conduct financial transactions and areas of the library that cannot be directly monitored by library staff.

The surveillance cameras generate a record of activities in the monitored areas. In the event of illegal activities in these areas, it may be necessary to review the recordings.

This procedure details who may review the records and under what circumstances they may be viewed and/or released to police personnel.

II. Reviewing the surveillance camera recordings

- (A) In the event of suspicious or illegal activity being reported in areas covered by the surveillance cameras, a staff member may request that the Library Director or his or her designee review the recordings.
- (B) The staff member should request that the Library Director or his/her designee run the footage of the incident while they and the staff member are present.
- (C) Staff are not to review a security recording without the Library Director or his/her designee being present.

III. Reviewing the surveillance camera recordings with the authorities

- (A) In the event of suspicious or illegal activity being observed on review of the recordings, police may be contacted.
- (B) In the event that police wish to review the recordings, the same procedure used for initial review of the tape will be followed with a police officer present, i.e., a staff member should request that the Library Director or his/her designee run the recordings of the incident while they, the staff member and the police officer are present

IV. Release of the surveillance camera recordings

- (A) Upon a request by the authorities to release the recordings in order to pursue further investigations, the Library Director may release a burned CD/DVD copy to the requesting officer. The Library Director must obtain name, signature, badge number, date and time from the requesting officer and append it to the Library incident report along with the notation "Surveillance recording released to:"

- (B) Upon a request by those other than law enforcement, please refer to the ***Legal Protections and Exceptions*** section of the Confidentiality and Privacy Policy referring to Wis. State Statute 43.30 and under what circumstances such library records may be disclosed.

Revision History

7 June 2018: New Procedure – first draft

12 September 2019: Surveillance Camera Usage procedures approved by Library Board

10 October 2019: Section IV, Item B verbiage was added

Mukwonago Community Library Confidentiality and Privacy Policy Approved January 17th, 2019

Privacy Statement

Protecting library user privacy and keeping confidential information that identifies individuals or associates individuals with their use of library books, materials, equipment, programs, services, facilities, and/or staff assistance is an important principle of the Library. This policy affirms the Library's commitment to privacy, explains the information that the Library collects, and alerts visitors to Library facilities and users of remotely accessed Library services of the privacy choices available to them.

Definition of Terms

- **Privacy** is the right to seek information through Library resources without having the subject of interest known or examined by others.
- **Confidentiality** exists when the Library possesses personally identifiable information and keeps that information private on the patron's behalf.
- **Personally identifiable information** is information such as name, library card number, e-mail or mailing address, telephone number, or any financial information relating to a patron and his or her accounts.

Legal Protections and Exceptions

Wisconsin law has strong protections in place to assist the library in keeping records confidential. In certain circumstances, Library records may be subject to disclosure to law enforcement officials under provisions of state law or federal law under the provisions of the USA Patriot Act (Public Law 107-56). In accordance with the USA Patriot Act, public libraries must allow an immediate search and possible seizure of equipment or information if presented with a FBI National Security Letter or Foreign Intelligence Surveillance Act Warrant. Staff members are provided training in handling requests from law enforcement. The staff procedure can be found in Appendix 1 to this policy.

The relevant Wisconsin laws concerning the confidentiality of library records are Wisconsin Statutes Section 43.30 and the Wisconsin Personal Information Practices Act (Sections 19.62 to 19.80). Library records include any record of use of library materials, resources, or services.

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Wis. State Statute 43.30 requires that library records may only be disclosed under the following circumstances:

1. With the consent of the individual library user.
2. To a custodial parent or legal guardian of a juvenile under 16 years of age.
3. By court order.
4. Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at the library. In this instance, the library shall disclose all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.
5. To persons acting within the scope of their duties in the administration of the library or library system.
6. To other libraries for interlibrary loan purposes in accordance with the standards set forth in Wisconsin Statute Sections 43.30(2) and (3).
7. To a qualifying third party¹ to assist with delinquent accounts. Under the provisions of the law, the library may only disclose the individual's name, contact information and the quantity, types and value of unreturned materials, not the titles of the items.

Library Records

The Library avoids creating unnecessary records and retaining records longer than needed for library business purposes.

1. To receive a library card, library users are required to provide identifying information such as name, birth date, picture ID, and physical as well as mailing address (if different). The identifying information is retained, as long as the library user continues to use the library card. In most cases the information will be in the database for a maximum of three years after the person stops using the library card at which time the record is deleted.
2. A library user's circulation record includes current identifying information, items currently checked out² or on hold, as well as overdue materials and fines.
3. Ninety days after an item is returned, the Library System removes the information regarding the last patron to check it out which deletes the patron from the item history log. If the item had associated fines, the fine transactions are saved.
4. The Library may also gather information necessary to provide a requested service to a library user including but not limited to the following examples:
 - Records of electronic access information such as the library card or guest pass number used to log onto library public computers or search a library database

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- Records for interlibrary loan requests or reference services
- Records needed to sign up for or participate in library classes and programs
- Records for use of meeting rooms
- Records for receiving emails and/or text messages about library services and programs

Once there is no longer a need for the information, personally identifying records are destroyed. Emails sent to Library staff may be subject to open records requirements.

5. The Library treats records as confidential in accordance with Wisconsin State Statute (43.30). The Library will not collect or retain private and personally identifiable information without the person's consent. If consent to provide personally identifiable information is given, the Library will keep it confidential and will not sell, license or disclose it to any third party, except for purposes described by the law.

Access to Accounts and Patron Responsibility

Protecting a Patron Account

It is the patron's responsibility to notify the Library immediately if a library card is lost or stolen or if he or she believes someone is using the card or card number without permission. The Library recommends these precautions:

- Log off systems after use
- Don't share the library card, user IDs, or passwords
- Select passwords which are easy to remember, but difficult for others to guess by including a mixture of numbers, symbols, and/or upper and lowercase letters

Keeping Account Information Up-To-Date

A patron may access his/her personally identifiable information held by the Library and is responsible for keeping the information accurate and up-to-date. The purpose of accessing and updating personally identifiable information is to ensure that library operations can function properly. A patron may view or update his/her personal information in person. He or she may be asked to provide some sort of verification or identification card to ensure verification of identity.

Parents and Children

For the protection of patrons, parents seeking records of their minor child, under age 16, may be asked to provide proof of their child's age as well as evidence they are the

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custodial parent. According to Wisconsin State Statute 3.30(1b)(1a) “Custodial parent” includes any parent other than a parent who has been denied periods of physical placement with a child under s.767.41(4).

Items on hold

Items placed on hold for library patrons are shelved for pick-up in the public areas of the Library. Patrons of any age may choose to have other people pick up their holds. Holds will be checked out on the library card presented at the time of check-out.

Public Computer Use and the Library’s Automation Systems

The Library routinely and regularly purges information that may be linked to library users, such as information from web servers, mail servers, computer time management software, interlibrary loan requests, and other library information gathered or stored in electronic format.

The Library System maintains the online catalog and a number of databases. The Library System automatically collects and maintains statistical information about library users’ visits to the library catalog and databases. This information includes the IP address of the visitor, the computer and web browser type, the pages used, the time and date, and any errors that occurred. This information is used for internal reporting purposes and individual users are not identified. Network traffic is monitored to identify unauthorized attempts to upload or otherwise damage the web service. If a library user chooses to pay fines and fees via credit card, the credit card number is not stored in the user’s library account; it is simply passed through to the payment processor.

Websites

The Library’s website contains links to other sites including third party vendor sites. The Library is not responsible for the privacy practices of other sites which may be different from the privacy practices described in this policy. The Library encourages library users to become familiar with privacy policies of other sites visited, including linked sites.

The Library website does not collect personally identifying information from visitors to the website unless the patron requests a service via the Library website. The Library may collect non-personal information from visitors to the website for statistical analysis, site assessment, server performance, authentication, troubleshooting and other management purposes. Examples of non-personal information collected include Internet Protocol (IP) address of the computer, the type and version of browser and operating system the computer uses, geographical location of the network used to link to the Library’s site, and time and date of the access. There is no link to personally identifiable information in computer communications, unless a patron has provided that information in the content of a transaction, for example, filling out an online form to request a service.

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The Library uses temporary “cookies” to maintain authentication when a patron is logged in to the online catalog. A “cookie” is a small text file that is sent to a user’s browser from a website. The cookie itself does not contain any personally identifiable information. Other electronic services offered by the Library through third party vendors may use “cookies” to help control browser sessions. Websites may use the record of “cookies” to see how the website is being accessed and when, but not by whom. To learn more about cookies and protecting privacy online visit **OnGuard Online**.

Library database users are asked for their library card number to ensure that only authorized users have access. Database vendors do not have access to any user records or information.

The Library and the Library System work with a variety of partners to provide e-content (e.g. e-books, e-audios, e-music, e-videos, e-magazines) to users. Prior to checking out any of the Library’s e-content users should read the privacy policy of the company that is providing the service. For example, users who check out e-books from the Wisconsin Digital Library for use on their Kindle (or via a Kindle app) will receive those e-books via Amazon. Amazon’s privacy policy describes the kind of information that is collected and stored in connection with such transactions. However, all other e-book formats within the OverDrive collection do not collect this information.

Wireless Access

The Library offers free wireless access (Wi-Fi) for library patrons to use with their own personal notebooks, laptops and other mobile devices. These access points are unsecured. A patron's use of this service is governed by the Library's internet policy.

Due to the proliferation of Wi-Fi networks, library users may also be able to access other Wi-Fi networks within the building that are not provided by the Library. Use of these non-Library wireless networks within the Library's facilities is also governed by the Library's internet policy.

As with most public wireless "hotspots," the Library's wireless connection is not secure. Any information being transmitted could potentially be intercepted by another wireless user. Cautious and informed wireless users should choose not to transmit personal information (credit card numbers, passwords and any other sensitive information) while using any wireless "hotspot." Use of the Library's wireless network is entirely at the risk of the user. The Library disclaims all liability for loss of confidential information or damages resulting from that loss

Other services

Some patrons may choose to take advantage of RSS feeds from the Library’s website, hold and overdue notices via e-mail or text message, and similar services that send personally identifiable information related to library use via public communication networks. Patrons should also be aware that the Library has limited ability to protect the privacy of this information once it is outside the Library’s control.

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Radio Frequency Identification (RFID)

The Library uses RFID technology to secure and circulate its collection.

1. The only information stored on the RFID tag is the item barcode and a security bit that indicates if the item is in or out of the library.
2. RFID technology is not used in library cards.

Library Photos

The Library takes photos at library programs and they may be posted to the website or used in promotions. Patrons are advised to step to the side or notify library staff members if they do not wish to be in photographs.

Video Surveillance

In order to maintain a safe and secure library, selected public areas of the Library premises may be under continuous video surveillance and recording.

Images from the library surveillance system may be stored digitally on hardware in the library. It is the intent of the Library to retain all recorded images for a minimum of thirty days, or until image capacity of the system is reached. Then, the oldest stored images will be automatically deleted by system software to make room for new images. Typically, images will not be routinely monitored in real-time, nor reviewed by library staff, except when specifically authorized by the Library Director.

While it is recognized that video surveillance will not prevent all incidents, its potential deterrent effect, and resource as a means of identifying and prosecuting offenders is considered worthwhile.

Video surveillance data are considered to be protected public library records. State Statutes carefully define law enforcement officials' authority to view surveillance data, and the Library will cooperate with law enforcement officials as permitted by Wisconsin Statutes Chapter 43.30(5) in two specific circumstances:

1. Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or in part by public funds, the library shall disclose to the law enforcement officer all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.
2. If a library requests the assistance of a law enforcement officer, and the director of the library determines that records produced by a surveillance device under the control of the library may assist the law enforcement officer to render the requested assistance, the library may disclose the records to the law enforcement.

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Illegal activity prohibited and not protected

Patrons may conduct only legal activity while using library resources and services. Nothing in this policy prevents the Library from exercising its right to enforce its Code of Conduct, protect its facilities, network and equipment from harm, or prevent the use of library facilities and equipment for illegal purposes. The Library can electronically log activity to monitor its public computers and external access to its network and reserves the right to review such logs when a violation of law or library policy is suspected. Staff is authorized to take immediate action to protect the security of library patrons, staff, facilities, computers and the network. This includes contacting law enforcement authorities and providing information that may identify the individual(s) suspected of a violation.

Enforcement and redress

Patrons with questions, concerns, or complaints about the handling of his/her personally identifiable information or this policy may file written comments with the Director. A response will be sent in a timely manner and the Library may conduct an investigation or review of practices and procedures. The Library conducts such reviews as necessary to ensure compliance with the principles outlined in this policy.

The Director is custodian of library records and is authorized to receive or comply with public records requests or inquiries from law enforcement officers. The Director may delegate this authority to designated members of the library's management team. The Director confers with the Municipal Attorney before determining the proper response to any request for records. The Library will not make library records available to any agency of state, federal, or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction, showing good cause and in proper form. All library staff are trained to refer any law enforcement inquiries to the Director.

Policy Changes

This Privacy Policy may be revised to reflect changes in the Library's policies and practices or to reflect new services and content provided by the Library. Patrons are encouraged to check this document periodically to stay informed of the Library's current privacy guidelines.

Adopted by the Mukwonago Community Library Board of Trustees

20 October 2016

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Footnotes

¹ Qualifying third parties are:

- a collection agency
- a law enforcement agency, but only if the dollar value of the individual's delinquent account is at least \$50.

² Patron records show current checkouts. When an item is returned, it is removed from the patron's checkout list. However, patrons who sign up for the reading history service will have their checkout history saved instead of purged. The user has the option to turn off the service and delete his/her reading history at any time.

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Appendix 1

Procedures for Complying with Law Enforcement Request for Information

The Library staff will comply with law enforcement when supplied with a legal subpoena or search warrant.

Staff Procedures:

- If anyone approaches staff alleging to be a law enforcement official requesting information, staff will immediately contact the Director. In the Director's absence, the highest ranking person on duty is responsible for working with the requestor.
- The Director or her/his representative will ask to see official identification and will photocopy the ID.
- If the law enforcement officer does not have a court order compelling the production of records, the director or her/his representative shall explain the state statute regarding confidentiality of library records under ss. 43.30. Staff will not disclose any information to law enforcement personnel without a court order.
- If the law enforcement official presents a subpoena, the Library Director or her/his representative will contact the city attorney for advice on how best to proceed. It is desirable for legal counsel to be present when the subpoena is executed. In the event that the city attorney is not available, the assistant city attorney will be contacted. In the event neither can be reached, the legal counsel for the American Library Association will be contacted.
- If the law enforcement official presents a search warrant, it is executable immediately. The Library Director or her/his representative will notify the city attorney and will attempt to have legal counsel present during the search to be sure that the search conforms to the terms of the warrant. If time does not allow for this, the search must be allowed to proceed. The Library Director or her/his representative will cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. Library staff should not interfere with the search and/or seizure of library property.
- The Library Director or her/his representative will inventory any items removed from the library as a result of the search warrant.
- The Library will keep a record of all legal requests.
- The Library will keep a record of all costs incurred by any search and/or seizures, including time spent by library staff assisting in the search or the inventorying of items.

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- If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment), the warrant also contains a "gag order" which means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. The Library and its staff must comply with this order. No information can be disclosed to any other party except legal counsel, including the patron whose records are the subject of the search warrant. Failure to comply exposes individuals to criminal and civil penalties under the USA Patriot Act. The gag order does not change the Library's right to legal representation during the search. An attorney should be called immediately, although the FBI does not have to wait until the Library receives legal counsel before acting on the court order. If the Library's legal counsel cannot be reached, the Library Director or her/his designee, will call the ALA Office for Intellectual Freedom (OIF) at 800-545-2433 x4223 and state only "I need to speak with an attorney." The OIF will put the caller in touch with an attorney familiar with FISA. The staff member should not inform OIF staff of the existence of the warrant.

Emergency Disclosures of Communication

If the Library staff observes what could reasonably be construed as a threat of imminent danger to life, the staff member is to immediately alert local law enforcement through the 9-1-1 emergency response system and then immediately inform the highest ranking person on duty. The highest ranking person on duty should then immediately contact the Library Director.

Adopted by the Mukwonago Community Library Board of Trustees

21 December 2017

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Revision History

- 20 October 2016:** Created as new standalone policy from MCL Circulation Policy with policy framework, language and research provided by the Bridges Library System
- 21 December 2017:** Reviewed and approved with no changes
- 17 January 2019:** Changed language under 'Items to Hold' in Section 'Access to Accounts and Patron Responsibility' to "Items placed on hold for library patrons are shelved for pick-up in the public areas of the Library."
- 17 January 2019:** Changed language under Section 'Illegal activity prohibited and not protected' from "exercising its right to enforce its Rules of Behavior" to "exercising its right to enforce its Code of Conduct".

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