

It is the policy of the Michigan Library Exchange (MiLE) to preserve the confidentiality of the records of its users to the fullest extent permitted by law. To that end, the records of MiLE shall be released or disclosed only as provided for herein.

All user information shall be treated as confidential, including name, ID number, e-mail address and any other information provided by the user. MiLE may use information to distribute library-related information to registered users. This policy also prohibits disclosure of whether or not a person is a user of the MiLE system.

Library record means a document, record, or other method of storing information retained by MiLE that contains information that personally identifies a user, including the user's name, ID number, e-mail address, or other item that identifies a person as having requested or obtained specific materials via MiLE. Library record does not include identifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

- A. State and local requests (usually requested thru the Michigan Library Privacy Act)
1. **Notification of MiLE Administrators:** Any MiLE administrator who receives a request, or who is served with a subpoena, court order, or other legal process, to release or disclose any library record shall promptly notify the MiLE Steering Committee.
  2. **Action by MiLE Administrator:** A MiLE administrator, in a timely manner, shall review all requests and orders, consult with MiLE's attorney as necessary, and respond in an appropriate manner to each such request or court order in accordance with this policy and with the Michigan Freedom of Information Act, 1976 Public Act 442, MCLA 15.231 - 15.246.
  3. **Requests for Information:** MiLE administrator shall deny, in writing, all requests for the release or disclosure of information unless MiLE has written permission from the persons identified in the records. User information is considered by MiLE Steering Committee to be "information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy" as exempted from disclosure in the Michigan Freedom of Information Act, MCLA 15.243.
  4. **Freedom of Information Act Requests for Information:** MiLE shall deny, in writing, any designated "Freedom of Information Act" request for the release or disclosure of confidential user information as follows:

The MiLE Freedom of Information Act  
Denial of a Request for Information

To: \_\_\_\_\_

You are hereby notified that your request of \_\_\_\_\_ (date) has been denied because the information requested is exempt from disclosure pursuant to MCLA 15.243. MiLE maintains a policy of confidentiality of library user records and will not release library user names, ID number, e-mail address or other information without the written permission of MiLE user.

Under Michigan law, you may commence an action in the Circuit Court to compel disclosure of public records (Freedom of Information Act, Section 10, MCLA 15.240).

\_\_\_\_\_  
Name and Title of Person Denying Request

\_\_\_\_\_  
Date

- B. USA Patriot Act requests for tangible documents (usually come from federal authorities such as the FBI)
1. As required by the Foreign Intelligence Security Act (FISA) and its amendment (USA Patriot Act of 2001, Sections 215 and 216), MiLE administrator shall comply fully with a court order to disclose or release library records
  2. As required by FISA and its amendment, MiLE administrator, as well as any administrator involved in providing the requested library records, **shall not disclose** to any person, including the user whose records were seized, the existence of the court order or the fact that records were produced as a result of the court order. The government can prosecute an administrator for disclosing information.