

**Superiorland Library Cooperative
Internal Policies and Procedures
For Requests for Library Records**

Record Retention Policy

Wide Area Network Security Investigations

*Adopted by the Superiorland Library Cooperative
Board of Directors on July 18, 2003*

SUPERIORLAND LIBRARY COOPERATIVE

Internal Procedures To Respond To Law Enforcement Requests for Patron Records

Purpose:

Guidelines for staff to follow when state and local law enforcement offices and federal agents present a request for records.

Compliance Statement:

The Superiorland Library Cooperative and staff will comply with all state and federal laws that protect the privacy of patron records, including but not limited to the Michigan Library Privacy Act and the USA Patriot Act.

Definition Of a Library Record:

The Michigan Library Privacy Act defines a “library record” as 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 from patrons and others, virtual reference requests (e-mail and live), interlibrary loan requests and computer usage metadata (before patron workstations are cleared after each patron’s session).

Staff Authorized By The Board of Directors To Release Library Records:

The Director, or designee, has the authority to release library records. The Director shall notify the Library Attorney when presented with a written request for library records. To obtain electronic records, the cooperation and assistance of the Information Technology Manager, or designee, will be required. In situations that involve libraries in the Wide Area Network, it also may be necessary for the Superiorland Director to notify and seek assistance to obtain a record from a WAN library director and/or local IT manager.

If the Director is unavailable, the Alternate shall proceed as directed herein, first notifying the Library Attorney. The Alternate also shall make an effort to locate the Director by phone right away. If the Director, the IT Manager, and the Alternates are not available, staff will contact the Director and the Library Attorney by phone.

Director:	Suzanne Dees	Information Technology Managers:
Alternate 1:	Shawn Andary	Jean Montgomery or Brent Duncan
Alternate 2:	Jean Montgomery	Alternate 1: Shawn Andary

Library Attorney:
Anne Seuryneck (517) 371-8196

Procedures:

State or local law enforcement officer asks Superiorland Library Cooperative staff for a library record, but officer does not have a court order:

- Staff immediately will contact the Director, or the Alternate.
- The Director or designee will ask what record is sought. The Director will provide the officer with a copy of the Michigan Library Privacy Act and explain that records may only be released to state and local law enforcement officers pursuant to a valid court order.
- The Director will ask the IT Manager to preserve the record that is sought, under lock, taking care to maintain a record of chain of custody.

State or local law enforcement officer asks Superiorland staff for a library record and presents a court order requiring disclosure.

- Staff immediately will contact the Director, or the Alternate.
- The Director or Alternate will contact the Library Attorney to verify the validity of the court order.
- If the court order is valid, the record named in the court order will be turned over to the officer in charge. The officer will provide a receipt for the record. Staff should not sign anything verifying contents or accuracy.

A federal agent, or a state or local law enforcement officer deputized as a federal agent, has a court order (USA Patriot Act) or grand jury or administrative subpoena.

- Staff will inform the agent or officer that only the Director or designee has the Board’s authority to release a library record. Staff immediately will contact the Director or the Alternate.
 - Staff will not discuss the investigation with anyone other than the Director or Alternate, nor tell anyone (including spouse) that an investigation has commenced. Failure to comply with this ‘gag order’ may result in prosecution for obstruction of justice.
- The Director immediately will ask the IT Manager to preserve the record that is sought, under lock, taking care to maintain chain of custody
- The Director will contact the Library Attorney to verify the validity of the court order or subpoena. If possible, the Attorney will be present during

execution of the order. At the very least, the document will be faxed to the Attorney and the Attorney will respond with advice to the Director.

- If the Library Attorney advises that the court order or subpoena is not valid *or that there is a reason for the Superiorland Library Cooperative to take legal action to quash the subpoena*, the Director shall take the advice of counsel.
- If the Library Attorney advises that the court order or subpoena is valid on its face, the agent may begin a search of library records.
- Even in exigent circumstances, federal agents must have a written order.
- The Director, IT Manager, or Alternate will keep a record of what is seized, under lock.

A federal agent, or a state or local law enforcement officer deputized as a federal agent, seeks access to administrative records that do not pertain to patrons.

- These requests are to be referred to the Director who is the only staff with authority to release this information.
- The Director may find it necessary to consult with the Administrative Assistant to obtain the record.
- The Director shall follow the procedures outlined above.
- If the Director is unavailable, staff should contact the Library Attorney.
- If both the Director and the Library Attorney are unavailable, administrative records are not to be released.

Other:

- If an officer or federal agent asks for home telephone numbers or cell numbers of staff in order to contact staff at home, explain that it is the Superiorland Library Cooperative policy not to release employee numbers.
- If an officer or federal agent asks a staff person to furnish any confidential information, such as the topic of a patron request or the titles of materials someone has checked out, refer the request immediately to the Director or Alternate.
- Staff should not consent to a search beyond the scope of the warrant.
- Staff must not interfere with execution of the search; however, staff is not required to answer questions from officers or agents. Staff has a right to decline to be interviewed or to have an attorney present if they choose to be interviewed. Staff is not required to authenticate documents seized or otherwise respond to questions except as to the location of the items described in the warrant. Staff should not sign anything verifying contents or accuracy.

Privacy Alert for Patrons:

One or the other following signs shall be posted in areas near the circulation desk and where public computers are in use:

1. The Library is concerned with safeguarding your privacy. Please be advised, however, that the Library must comply with court orders for

patron library records and court orders for electronic surveillance. Under the USA Patriot Act, the threshold for federal court orders has been greatly lowered. In some cases, library staff is unable to speak about specific investigations.

2. The library is concerned with safeguarding your privacy and will only disclose your records as required to do so by law.

Staff PII security:

Staff and uproc.lib.mi.us email account holders should be aware that personally identifiable information is found in server logs and privacy is protected to the extent described above.

Director or IT Manager or Alternates only:

When approached by an officer or agent,

- Ask for identification and call to verify badge number of the officer in charge. Local office numbers:
 - FBI
 - Local office: **226-2058**
 - Michigan Director's Office: **(313) 965-2323**
 - Marquette City Police: **228-0400**
 - Michigan State Police: **475-9922 or 225-7030**
- The Director or designee should meet with an officer or federal agent only if the Library Attorney or another colleague is present.
- Immediately refer the court order or subpoena to the Library Attorney.
- The Director shall instruct the IT Manager or Alternate immediately to preserve the record in a secure location. Staff will maintain a record of chain of custody, detailing each person who handles the record or information with date and time.
- If an officer or agent takes any record or item, make an inventory list of the records/items seized. The officer or agent shall sign and date each page of the inventory list. Request a back up copy of all documents (photocopy) and computer disks that are seized.
- Keep the inventory list in a locked and secure location, especially if there is a gag order in effect.
- Keep track of expenses, as there may be compensation.
- Observe any gag order. Do not disclose to anyone (including spouse) that the warrant has been served or that records have been taken.

When the order is a federal search warrant (USA Patriot Act):

- The Director or designee will ask the federal agent to have the Library Attorney present before the search begins in order to give the Attorney an opportunity to examine the warrant and assure that the search is confined to its terms.
 - In spite of the "gag" order, the Superiorland Library Cooperative is still entitled to legal representation during the

search. The Library Attorney should be present during the actual search and execution of the warrant

- The search warrant is executable immediately. The federal agent may begin a search of library records as soon as the Director or designee is served.
- Staff must not interfere with execution of the search; however, staff is not required to answer questions from officers or agents.
- The IT Manager or alternate will observe and 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.

Superiorland Library Cooperative Information Privacy Policies

Superiorland Library Cooperative Board of Directors has adopted these rules and policies to prevent unauthorized access to Personal Identity Information (PII). The Superiorland Staff will exercise due diligence and care with library logs and records that include PII.

This record retention policy determines the following:

- What records will be kept for how long.
- Where records will be stored to maintain security.
- Who will have access to records and logs.
- How records and logs will be destroyed to maintain security.

In general, records and logs will be kept only as long as they are necessary for statistics, security, and/or trouble-shooting.

Public computers. Develop procedures to clear patron history, cookies, cache, recent and Temp files between patrons' use.

Circulation records:

Last patron information.

PURF history.

Interlibrary loan and reference: ILL and reference requests do not contain the names of patrons who make the requests.

Debt collection information: Unique Management does not have access to titles of books Patrons have checked out of the library.

Sign In / Log In records: These records have no necessary information and should be shredded at the end of the day by the IT Manager or designee.

System back-up tapes: System back-up tapes are overwritten or destroyed every two weeks. The IT Manager and Dynix System

Administrator are responsible for overwriting or destroying the tapes. Tapes should be demagnetized before discarded.

The Library maintains one system-wide snapshot for each version as a back-up. This back-up snapshot is maintained for one year or until the next version is installed, whichever comes first.

Internal server logs: See notebook of logs with retention policies. Logs should be cleared by the IT Manager or designee on the schedule determined in the attached notebook

Superiorland Library Cooperative Procedures for Potential Breach of Security or Misuse Of the Wide Area Network

NOTICE to libraries that are members of the Superiorland Library Cooperative's Wide Area Network for Internet Access: Reported and perceived violations of the Superiorland or local Library's Acceptable Use Policy ("AUP") or unlawful activity involving the Library's computers or Internet Connectivity shall be immediately reported to the Director of the Superiorland Library Cooperative or to the Superiorland IT Manager. The IT Manager will report this information immediately to the Superiorland Director.

If local Wide Area Network library staff is served by a warrant or court order under the Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment), staff is not permitted to disclose that the warrant has been served or that records have been produced pursuant to the warrant or order. The only exception will be if the record sought can only be obtained from a Superiorland Library Cooperative server log. In this instance, with permission of the federal agent in charge, the local library staff may contact the Superiorland Director or designee, who is the only person authorized to disclose library records.

The Superiorland Library Cooperative Security Team, consisting of the Director, IT Manager and Dynix System Administrator, may assist the local WAN Library director in the investigation of a security related incident that involves the Wide Area Network. All members of the Security Team will be informed upon receipt of a Security Incident Report from a WAN Library Director. The Superiorland Library Cooperative reserves the right to report to legal authorities an incident that involves Wide Area Network property interests. The Cooperative reserves the right to report incidents to the Wide Area Network's Internet Service Provider.

The Library and the Superiorland Library Cooperative will follow the procedures to protect Personal Identity Information outlined in the Superiorland Library Cooperative's

policy statement: **”Internal Procedures To Respond To Law Enforcement Requests for Patron Records.”**

The Superiorland Library Cooperative will cooperate fully with the WAN Internet Service Provider, law enforcement, and external authorities to investigate and resolve incidents involving the Wide Area Network. All contact with and communication between authorities and Superiorland Library Cooperative are confidential and may be shared only with appropriate Cooperative staff and the WAN Library Director.

The Library and/or Security Team must notify the Cooperative Director immediately when it is apparent that a threat may exist to other institutions or individuals. Although the least intrusive alternatives will be sought, the nature and severity of a security breach may require the Cooperative to block a Library's network traffic at the ISP hub or switch in extreme circumstances. Should this be necessary, Cooperative resources will be dedicated to solving the problem and reconnecting the Library as soon as possible.

The Security Team will provide a written report to the Superiorland Cooperative Director within 5 working days of closure of the incident. This report will include the following:

- a. Date and nature of the incident.
- b. Names of institutions involved
- c. Nature of exploitation of the system or network.
- d. Date of incident's closure.
- e. How the incident was resolved.
- f. General nature of any disciplinary action taken.
- g. Type and nature of actions taken to end the incident or reduce future vulnerability to this type of exploitation.

The Superiorland Cooperative Director shall retain and maintain the confidentiality of a copy of the Security Team's report for at least one year. At the end of one year, if no further incidents are reported regarding any of the Library patrons named in the report, the Superiorland Cooperative Director shall destroy or delete any reports, relevant logs, communications, and electronic evidence of the security breach, taking care to shred the records and protect personal identity information.

During the investigation, the Security Team shall preserve the confidentiality of reports, relevant logs, communications, and electronic evidence of the security breach by maintaining any records on a secure computer until the WAN Library Director and/or Superiorland Cooperative Director have instructed otherwise. Hard copy documents shall be preserved under lock with a log established to preserve a chain of custody. Following transmittal of the final report to the Superiorland Cooperative Director, all other copies of the report are to be destroyed.