

MLA's Official Position on SB 611 – Michigan Library Privacy Act

February 6, 2020

On Friday, January 31, 2020, the MLA Board of Directors unanimously voted to support and approve [a substitution bill for Senate Bill 611 \(SB 611\)](#).

Last October, Senator MacGregor introduced SB 611 to amend the Michigan Library Privacy Act, 1982 PA 455. The intention of his bill was to enable libraries to work with law enforcement when the library is a victim of a crime. After hearing both concerns and support from the Michigan library community on Senator MacGregor's proposed amendments to the Privacy Act, MLA drafted a substitute bill that clarifies and updates SB 611.

The proposed substitution bill removes obstacles and legal barriers libraries sometimes face when a crime has been committed in the library while providing for continued protection to patron privacy.

At a meeting on February 5, Senator MacGregor agreed to move forward with the MLA-proposed changes to SB 611.

Below are highlights of the substitution bill content with updates to standardized language and confirming that Section 5 and Section 6 of the current Act remain in place without change.

SUBSTITUTION CONTENT:

1.

DEFINITIONS: We have included a definition of “crime” as defined by section 5 of 1931 PA 328, MCL 750.5; a definition of “law enforcement officer” as defined as an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.614; and a definition of who is considered an “agent,” which also includes third party

vendors.

2.

SURVEILLANCE VIDEO: We have clarified that a library record does not include video surveillance and that video surveillance can be turned over to law enforcement without a court order if it shows no identifying library records or library activities.

3.

PERSONAL KNOWLEDGE: We have clarified that personal knowledge may be shared with a law enforcement officer.

4.

EXIGENT CIRCUMSTANCES: We have included a provision that in the event of exigent circumstances that make it impractical to secure a court order, a library may turn over records to law enforcement officers.

5.

LIABILITY: While the library remains liable, we have removed an employee or agent as being liable unless an employee or agent knowingly violates this act.

6.

EQUITABLE RELIEF: We have added that a court may grant equitable relief to a person.

Here is what is in store for us in the following weeks and months:

The next step is for Senator MacGregor's staff to work with the Legislative Service Bureau to get our changes turned into an official legislative document. Once this is complete, our MLA Lobbyist will meet with Senator Peter Lucido, the Chair of the Senate Judiciary Committee, to gauge his interest in the bill. Following that meeting, it is likely that a committee meeting will be scheduled to take testimony on the substitution bill. MLA will be asked to testify and explain our

position on proposed changes to the Privacy Act. Senator Lucido will likely hold a second hearing on the bill to hear testimony from anyone that could not make it to the first hearing and to vote on the bill. If the bill is voted out of committee it then goes to the Senate Floor for consideration by the full Senate. If the Senate passes the bill it will be sent to a House Committee and the process starts over in the House.

We will keep you informed as the process moves forward. Be watching for future communications from MLA as we will be asking you to provide your support and perhaps provide testimony during the hearings.

We continue to be grateful for the time many of you have given to voice your concerns and support.

As always, please feel free to contact MLA Executive Director, Deborah E. Mikula at (517)394-2774 ext. 224 or by email at dmikula@mlibraries.org with questions or comments.