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**"A Patron Is Viewing What Appears To Be Child Pornography
On A Library Computer; What Should Be Done?"**

A report is made that a library patron is viewing what appears to be child pornography on a library computer. What should the library do? First, the Library should take appropriate action in accordance with any Board policy that might address this issue. However, this scenario raises questions regarding the Library Records Confidentiality Act and the child pornography provisions of the Illinois Criminal Code of 1961, including the duty to report child pornography provisions thereof. Simply stated, there are no easy answers to this question, and the library must exercise caution when dealing with this scenario.

Your first inclination may be to report the patron to your local law enforcement agency. Is such a report a violation of the patron's rights under the Library Record's Confidentiality Act (75 ILCS 70/1)? As discussed more fully below, the answer to this question is, "maybe."

Section 1 of the Act provides in relevant part:

"(a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

(1) required to do so under a court order; or

(2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

