



BOARD POLICIES

LIBRARY RECORDS

Category: Operational

Approved: September 27, 2000

Library records are defined as records maintained by the library and that contain the following type of information: (a) information the library requires an individual to provide to be eligible to use library services or borrow materials; (b) information that identifies an individual as having requested or obtained specific material; and (c) information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject. Library record does not include information that does not identify any individual and that is retained for the purpose of studying and evaluating the use of the library and its materials and services.

These library records are not open to the public.

The library will release library records or customer information in the following situations: (1) parents, guardians, and custodians requesting access to their minor children's records; (2) in accordance with a subpoena, search warrant, or other court order, or to a law enforcement officer who is investigating a matter involving public safety in exigent circumstances; (3) at the request or with the consent of the individual who is the subject of the record; and (4) for library administration purposes.

Confidentiality Questions and Answers

- Q. Can the library provide the titles of the books that a spouse has checked out to the other spouse?*
- A. If the library has the permission of the individual who is the subject of the record. Libraries may want to obtain that permission when the borrower first registers. Adults can give permission for access to their records to anyone they wish. This permission is not limited to just family members.
- Q. Does a library have to keep historic circulation records for their adult or minor children patrons?*
- A. No. This legislation does not require libraries to keep or create any records that they do not already create or maintain.
- Q. Can grandparents get copies of their grandchildren's records?*

A. Unless the grandparent meets the definition of guardian or custodian, or the child's parent has given written permission to release those records to the grandparent, the records are not open to the grandparent.

Q. One of our minor patron's parents are divorced. Only one of the parents has custody of the child. Are we required to provide the child's records to both parents?

A. Yes. If a parent requests the records of their minor child, you are under obligation to release those records. This legislation does not require the parent to have custody of the child in order to have access to those records.

Q. What sort of procedure should we follow to identify who is a "rightful" parent, custodial parent, or guardian of a minor child?

A. H. B. 389 does not dictate any procedures. We would advise that you not make the procedure onerous, leaving the library vulnerable to charges of obstruction. Remember that collecting this information should be reactive and not proactive.

Q. What does "exigent circumstances" mean?

A. "Exigent" means that it requires immediate attention. This would usually involve the immediate safety of the public. In any other circumstances, law enforcement officials should obtain a court order.