

DANIEL BOONE REGIONAL LIBRARY

SUBJECT: Confidentiality of Patron Records

ADMIN 2-672

BOARD

SECTION: 600 – Library Administration

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POLICY

The Daniel Boone Regional Library (DBRL) recognizes that its circulation records, computer browsing data and other records identifying the names of library users and the records of any reference transaction are confidential in nature. In accordance with recognized professional standards (see Code of Ethics of the ALA, art. III) and as required by Section 182.817 of the Missouri Revised Statutes (RSMo), DBRL will protect each library user's right to privacy and confidentiality with respect to information sought or recovered and resources consulted, borrowed, acquired or transmitted.

Rationale

The following section of the Missouri Revised Statutes defines the authority and duty of DBRL – to safeguard patron information:

182.817.1 Disclosure of Library Records Not Required - Exceptions.

Notwithstanding the provisions of any other law to the contrary, no library, employee or agent of a library, or third party contracted by a library that receives, transmits, maintains or stores library records shall release or disclose a library record or portion of a library record to any person or persons except:

- 1) In response to a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library; or
- 2) In response to an order issued by a court of competent jurisdiction upon a finding that the disclosure of such record is necessary to protect the public safety or to prosecute a crime.

Operating Principles

Library records shall not be made available to any agency of state, federal or local government or to any individual or other requestor unless the requirements of Section 182.817.1 RSMo are satisfied. A "library record" is defined by Section 182.815 RSMo as any document, record, or other method of storing information retained, received or generated by a library that identifies a person or persons as having requested, used or borrowed library material, and all other records identifying the names of library users. The term "library record" does not include non-identifying material that may be retained for the purpose of studying or evaluating the circulation of library material in general.

Upon receipt of a court order (such term includes a warrant) for library records, the library's officers will consult with their legal counsel to determine if such order is in proper form (issued by a court of competent jurisdiction upon a finding that the disclosure of the requested record is necessary to protect the public safety or to

prosecute a crime). If the order is not in proper form, the officers will insist that such defects be corrected prior to any release of information.

Library records shall **not** be made available to any requestor so inquiring, except as provided in this policy. This includes, among other instances:

1. a request by any individual(s) to know who currently has checked out an item in the collection.
2. a request by anyone who has found an item (library material, library card, etc.) with a barcode appended to be given the name of the owner/borrower so that the finder may return the item to the individual. Instead, a request will be made that the finder return the item to the library where the proper steps will be taken to notify the owner/borrower.
3. a request by an individual possessing a subpoena but not a court order determined by legal counsel to be in proper form.

PROCEDURES

Consistent with the intent of Sections 182.815 and 182.817 RSMo regarding disclosure of library loan records, library staff shall require patrons to consent to these procedures, using approved library forms, to obtain a library card, and library staff may release library records under the following conditions:

A. Access to an individual's own account record:

1. An individual may provide his/her valid library card (card), card number or photo ID.

B. Access to another person's account record with permission:

1. A cardholder may grant permission to another person to access their account. Such permission will be recorded in the cardholder's record. The person so listed may access the account using their own valid card or card number, or their photo ID.
2. An individual who has been given permission to access the cardholder's account as shown in the cardholder's record may provide the cardholder's valid card or card number. Their possession of the card or card number is assumed to be approved by the cardholder if it has not been reported stolen or missing.

C. Access to a minor's account record:

DBRL only issues a card to a minor (under the age of 18) with the agreement of the minor's parent or guardian, as a minor is not legally "competent" to contract under Section 431.055 RSMo. In addition, DBRL recognizes the right, generally, of the parent or guardian of a minor child to have access to that minor's library record. (See, for example, Section 452.375.12 RSMo.) When issuing or updating a minor's library record, DBRL staff will record the name(s) of the minor's parent(s) or guardian(s) in the account record.

1. A parent or guardian whose name is listed on the minor's account may provide their own photo ID, whether or not the minor is present, or the parent or guardian may call with the minor's card number.

2. In cases of joint custody when parents or guardians have established two or more separate accounts for the minor, the parent or guardian will have access to only the record(s) on the account(s) on which their name is recorded.
3. Non-custodial parents may access a minor's record by providing the corresponding card or card number or, in the case that they are listed as an approved user of the account, by providing the approved identification as set out in section B, above.

D. Access by a third party:

1. DBRL will release account records to a collection agency operating on behalf of DBRL or a court or prosecutor pursuant to the collection of money owed for lost or damaged items or to secure the return of items deemed "long overdue" and for amounts owed deemed "excessive" as defined in established library procedures. The patron is informed of and consents to this practice in the application form, which they must sign in order to obtain a card.
2. DBRL will provide access to a third party pursuant to a court order in accordance with the operating principals set forth above.

All third-party requests for library records, including but not limited to an order, subpoena or other legal process, should be directed to the Circulation Manager or their designee, or the Executive Director.

Deliberate and unauthorized breach of confidentiality by staff is considered a serious violation of policy and professional standards and can result in disciplinary action.

Any individual requesting patron information who is not satisfied with an explanation of the library's confidentiality policy should be referred ultimately to the Executive Director.