

interesting legal question from Partners

Cook, Tracy

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To:Stapp, Jennie <JStapp2@mt.gov>;

Hi Jennie,

Denise asked me if it is illegal for libraries to share and edit patron records. My instinct tells me that because the libraries have entered into a formal agreement, they aren't violating the law. They are acting as one unit. I reviewed the Library Records Confidentiality Act, and MCA 22-1-1102 defines a library as "Library" means a library that is established by the state, a county, city, town, school district, or a combination of those units of government, a college or university, or any private library open to the public."

I'm thinking that the section about "a combination of those units of government" is actually part of what makes it okay for libraries to share records. I believe this is supported by MCA 22-1-309 (3) - "have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state library, and other libraries, to give and receive library service, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;"

Do you agree with my assessment? In my ideal world, the Library Records Confidentiality Act would state that libraries may share patron records as part of the normal course of doing business and providing services to patrons. I think Partners meets the spirit of the law, because they are only sharing records between people who are bound by the same law. I believe the intent of the confidentiality act is about sharing patron records with non-library staff.

Thoughts?

-Thanks,
Tracy