

To: Montana Public Library Directors

From: Karen Strege

Re: Library Records Confidentially Act

Date: April 24, 2001

What follows is a guide to the proper use of the Library Records Confidentiality Act, MCA 22-11-1010 through 22-11-1111, in your library. The State Library recommends that you review current policies and procedures in light of this information.

The Confidentiality Act protects certain library records. Records are any information that identifies a person as having requested, used, or borrowed library materials or other information identifying the names or other personal identifiers of library users. In practical terms, records include registration, circulation, and others that identify certain people as using a particular service, such as an Internet terminal.

The law provides for exceptions to the law. These are:

1. When the person identified in the record gives the library written permission to release his or her records. For example, a patron could give the library written permission to release her records to her friend. In addition, a child could give the library written permission to release his records to his parents or guardians. The law states that your library determines the procedures and offers forms to facilitate such requests. An example of a policy, procedure, and a form is attached to this memo.
2. When a court decides that disclosure of a record is necessary because public disclosure exceeds the demand for individual privacy. This decision will be reflected in a court order. If you receive such an order, make sure that your city or county attorney reviews the order. This step is necessary to insure that the library does not improperly release library records.
3. A library can provide statistical reports that contain no information about an individual.
4. When materials are overdue or stolen, the library can release library records, but only to the extent necessary to recover those materials.
5. Individual libraries may set their own procedures for record retention.

# **Suggested policy and procedures To implement the Library Records Confidentiality Act**

It is the policy of the \_\_\_\_\_ public library to protect our users' privacy. We believe that every citizen should have the freedom to use library materials without scrutiny by others. Montana law supports this policy in the Library Records Confidentiality Act, MCA 22-11-1010 through 22-11-1111. To protect our users' privacy we, therefore, adopt the following procedures:

- ❖ When a staff member receives a request for information about an individual's library record from another person, he or she cannot disclose this information.
- ❖ If a staff member receives a court order, they shall inform the library director immediately. Upon receipt of the order, at the earliest possible time, the library director shall consult with the city or county attorney to determine its validity and follow the attorney's guidance.
- ❖ If a staff member receives a request from a library user to disclose his or her library records to another person, the staff member will provide the user with a permission form. After the form is correctly completed, the staff member will release the library records to the person named on the form.
- ❖ If disclosure of an individual's library records are necessary to collect fines or to secure overdue or stolen library materials, library staff may release library records upon the request of another person or as otherwise approved by the library director, but only to the extent necessary to collect the fines or secure overdue or stolen materials.

## Disclosure of confidential records

The \_\_\_\_\_ public library is prohibited from disclosing library records under MCA 22-111, "Library Records Confidentiality Act," except as follows:

- ❖ A written request by the person identified in those records; or
- ❖ A court order

### Release to allow examination of Library Records

By my signature below, I give written consent of the library to disclose my library records to the person(s) listed. I understand that I may withdraw this permission at any time.

Date:

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My name (printed)

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My library card number

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My library records may be released to (printed)

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My signature

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