

Library Patron Records Confidentiality

This administrative policy provides information and process that is in compliance with applicable federal, state, and local laws regarding the confidentiality of all library patron/customer records.

DEFINITION

Confidentiality of Library Patron Records: when the records of a person's identification and usage of the library is kept private on their behalf. This includes all reference, circulation, and literacy records and transactions whether written or electronic data associated with a particular patron.

GENERAL POLICY

The Tulare County Library has a responsibility, under the California Public Records Act (California Government Code section 6250, *et seq.*), to establish a policy that ensures the records of patrons using the Tulare County Library are confidential. Such records, in any form, include library records, registration, borrowing, and usage information.

Section 6267 of the California Government Code reads:

All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency except as follows:

- (a) By a person acting within the scope of his or her duties within the administration of the library.
- (b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.
- (c) By order of the appropriate superior court.

As used in this section, the term "patron use records" includes the following:

- (1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron's name, address, telephone number, or e-mail address, that a library patron provides in order to become eligible to borrow or use books and other materials.
- (2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources information requests, or inquiries.

This section shall not apply to statistical reports of patron use nor to records of fines collected by the library.

California Government Code section 6254(j) likewise exempts “Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes” from the general disclosure requirements under the California Public Records Act.

Access to a patron record is allowed only by:

- Library staff acting within the scope of their duties
- Written consent of the patron
- Court order or other act of federal law

The Library may collect and disclose statistical usage data that does not identify particular patrons.

Records of Minors. Confidentiality applies to individual records, including those of minors, so staff may only provide a parent or guardian who has signed for a child's library card with information concerning the minor's financial records, including overdue items, damaged items, and other charges, as parents or guardians are responsible for loss or damage of library materials checked out by minors (California Education Code, section 19910-19911).

Found Library Cards. To protect confidentiality of the patron the following procedure has been established when someone reports a found library card.

- Only the card is found: Ask finder to return the card to the Library.
- The card is found with other personal items: Ask finder to turn all items over to the police.
- The card is found by or given to the police or fire officers in the line of duty: The officer should be referred to the County Librarian.

Court Orders. The County Librarian should be contacted immediately if library staff receives any process, order, or subpoena. The County Librarian will consult with the County Administrative Officer and County Counsel to determine if such process, order, or subpoena is proper legal authority. The implementation and interpretation of this policy is the responsibility of the County Librarian.