

POLICY: CONFIDENTIALITY OF PATRON RECORDS

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The Webster County Library (WCL) 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) and as required by Section 182.817 of the Missouri Revised Statutes (RSMo), WCL 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. Library patron records are used for the sole purpose of protecting library property and are not to be used directly or indirectly to identify the types of materials or services accessed by library patrons.

The following section of the Missouri Revised Statutes defines the authority and duty of WCL – 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.*

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 administration will 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 library administration 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 to not 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:

1) Access to an individual's own account record:

- a) An individual may provide his/her valid library card or their photo ID.

2) Access to another person's account record with permission:

- a) 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 their photo ID.

- b) 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. Their possession of the card 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:

WCL 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, WCL 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,

WCL 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 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, 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) WCL will release account records to a court, prosecutor or collection agency operating on behalf of WCL 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". 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) WCL 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 Director or their designee.

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 Director.