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Bill Analysis
Legislative Service Commission

Am. H.B. 389

123rd General Assembly

(As Reported by H. State Government)

Reps. Austria, Gardner, Tiberi, Harris, Householder, Schuler, Terwilleger, Corbin, Mottley, Hoops, Goodman, Calvert, Peterson, Young

BILL SUMMARY

- Provides that library records and patron information are confidential unless (1) the parent, guardian, or custodian of a minor child requests a library record or patron information pertaining to that child, (2) the individual who is the subject of the record or information requests or consents to its release, (3) certain law enforcement situations are involved, or (4) certain other situations apply.

CONTENT AND OPERATION

Nondisclosure of library records and patron information

The bill prohibits a library from releasing any "library record" (see "**Definitions**" below) or from disclosing any "patron information" (see "**Definitions**" below) except in the following situations (sec. 149.432(B)):

(1) If a library record or patron information pertaining to a minor child is requested from a library by the minor child's parent, guardian, or custodian, the library must make that record or information available to the parent, guardian, or custodian in accordance with the Public Records Law.¹

(2) Library records or patron information must be released (a) in accordance with a subpoena, search warrant, or other court order or (b) to a law enforcement officer who is acting in the scope of the law enforcement officer's duties and who is investigating a matter involving public safety in exigent circumstances.

¹ *The Public Records Law requires that a public office make its public records available for public inspection and copying under certain circumstances and in certain manners (sec. 149.43(B), not in the bill).*

(3) A library record or patron information must be released upon the request or with the consent of the individual who is the subject of the record or information.

(4) Library records may be released for administrative library purposes, including establishment or maintenance of a system to manage the library records or to assist in the transfer of library records from one records management system to another, compilation of statistical data on library use, and collection of fines and penalties.

(5) A library may release records under the Public Records Law that document improper use of the Internet at the library so long as any patron information is removed from the records. As used in this provision, "patron information" does not include information about the age or gender of an individual. The bill defines "Internet" as meaning the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the World Wide Web (sec. 149.432(A)(4), by cross-reference to sec. 3517.106, not in the bill).

Definitions

The bill defines "library" as a library that is open to the public, including any of the following: (1) a library maintained and regulated under the Municipal Corporation Law and established before September 4, 1947, (2) a county free public library, township free public library, municipal free public library, school district free public library, county library district, or regional library district that is created, maintained, and regulated under the Library Law, (3) a library that is created and maintained by a public or private school, college, university, or other educational institution, or (4) a library created and maintained by a historical or charitable organization, institution, association, or society. "Library" includes the members of the governing body and the employees of a library. (Sec. 149.432(A)(1).)

The bill defines "library record" as a record in any form that is maintained by a library and that contains any of the following types of information: (1) information that the library requires an individual to provide in order to be eligible to use library services or borrow materials, (2) information that identifies an individual as having requested or obtained specific materials or materials on a particular subject, or (3) information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject. "Library record" does not include information that does not identify any individual and that is retained for the purpose of studying or

evaluating the use of a library and its materials and services. (Sec. 149.432(A)(2).)

Finally, the bill defines "patron information," subject to the definition found in item (5) under "*Nondisclosure of library records and patron information*" above, as personally identifiable information about an individual who has used any library service or borrowed any library materials (sec. 149.432(A)(3)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-15-99	p. 836
Reported, H. State Government	01-03-00	pp. 1514-1515

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