

ADMINISTRATIVE REGULATIONS

TAB: Patron Services

DOCUMENT NUMBER: 20-20-20

SECTION: Circulation Services

SUBJECT: CONFIDENTIALITY OF RECORDS

SUMMARY

This document contains the Library's policy and procedure regarding confidentiality of patrons' registration and borrowing records vis-a-vis the ALA Code of Ethics and the Kansas Open Records Act.

Definitions:

Patron Registration Information refers to the personal information patrons provide to staff when registering for a library card: name, address, phone number, e-mail address, and birthdate/age.

Patron Borrowing Records refers to the items a patron has checked out, placed on hold, used in the past, or on which he or she owes fines or fees.

Effective Date:

February 8, 2018

Reviewed:

March 14, 2019
October 22, 2020

CONFIDENTIALITY OF RECORDS POLICY

a. All outside inquiries (from law enforcement, media, government agencies, lawyers and others) regarding access to Patron Registration Information and Patron Borrowing Records will be referred to the County Librarian, and no records may be made public without express approval. Patron Registration Information and Patron Borrowing Records are exempt from disclosure pursuant to the Kansas Open Records Act (K.S.A. 2006 Supp. 45-221(a)(23), as amended) and Library regulations and should only be released upon receipt of a valid court

order or subpoena authorized under federal, state, or local law.

Patron Borrowing Records

b. Johnson County Library will not retain a Patron's borrowing records beyond their use for circulation or control purposes.

County Librarian Authorized to Adopt Written Procedures Authorizing Limited Library Use of Patron Registration Information

c. The County Librarian may adopt written procedures and guidelines under this Regulation that authorize the Library to make limited use of Patron Registration Information for the sole purpose of facilitating communications by the Library with that Patron. Such written procedures shall strictly limit such use to the Library only and shall not authorize use by any outside agency and shall further limit such use to Library communications between the Library and the Patron.

County Librarian Authorized to Adopt Written Procedures to Guide Library Staff in Responding to Requests for Patron Registration or Borrowing Records Information

The County Librarian may adopt written procedures and guidelines under this Regulation that provide advice and guidance to Library staff on how to apply the terms of this regulation when provided a request for Patron Registration Information or information on Patron Borrowing Records from a person or agency outside the Library. By way of illustration and not limitation, such procedures might provide Library staff guidance on the handling of subpoenas issued to the Library under the terms of this Regulation.

ACCESS TO RECORDS

Own Record

e. A patron may check out materials and access his/her own Library records, of all kinds, only by providing a library card, library card number, or valid proof of identity. Patrons without one of these items can verbally verify their PIN (personal identification number) and provide at least 2 other pieces of account information to have full access to their account.

Children Under 18

f. Parents or guardians of children under 18 years of age may, upon presentation of proper identification, obtain the current status of their child's Borrowing Records or withdraw their authorization for the child's library card. Parents without proper identification can verbally verify at least 3 pieces of the child's account information to have full access to their child's account.

Of Others

g. A patron who provides a library card or library card number may check out materials to that card or obtain Registration and Borrowing information from the matching patron record. Patrons may also authorize other patrons or family members to pick up materials being held by notifying library staff in advance. Authorized individuals, upon presentation of identification, will not be required to have the patron's card or card number to check out, pay fines, pick up holds or renew items.

Any patron may pay the fines of any other patron without a library card number or other verification. However, in this circumstance, no Patron Registration Information or Patron Borrowing Records will be provided to the person making the payment.

County Librarian Authorized to Adopt Written Procedures to Guide Library Staff in the Application of the Access to Records subsection of this Regulation

The County Librarian may adopt written procedures and guidelines to implement the terms of the Access to Records subsection of this Regulation.

Information Requests

Library staff will not disclose library patrons' use of the library with respect to information sought or received, except pursuant to a valid court order or subpoena authorized under federal, state, or local law. Any court order or subpoena received by a member of the staff shall be directed to the County Librarian and Library counsel for disposition.

Exceptions for Materials Recovery Agency, County Office of Financial Management, Development of Demographic Profiles or Patron Usage Pattern Studies

h. Nothing in this regulation shall be construed to prohibit the Johnson County Library from disclosing a patron's account records to a third party collection agency when that patron has past due fines or library materials that have been checked out and not returned; the County Librarian is authorized to submit such patron account records to a third party collection agency pursuant to any agreement approved by the Library Board.

i. Pursuant to rules established by the Government Accounting Standards Board (GASB), the County Office of Financial Management (OFM) prepares financial reports for the Library that show an accounts receivable balance that is comprised of amounts attributable to past due accounts and library materials that have not been returned. In order to verify this data for the Library, OFM must periodically examine the underlying, individual accounts that comprise the

balance. The County Librarian may, for that limited purpose, and in accordance with the terms of this ARM 20-20-20, provide to OFM the names, addresses, contact information, amounts owing and dates relating to such accounts. Any request for this information made pursuant to the Kansas Open Records Act shall be referred to the County Librarian pursuant to ARM 20-20-20. No other patron borrowing records information, including information relating to materials checked out shall be disclosed.

j. In order to obtain demographic profiles or patron usage pattern studies that will allow the Library to improve the quality and content of its collections and offerings to patrons, the Library may provide certain information to agencies of Johnson County government and to private companies that have contractually agreed to produce such profiles or studies. Such information shall not identify patrons by name or allow for individual patrons to be identified by name. The Library shall provide such information only pursuant to written agreements that contain the following terms, as well as those required elsewhere in these regulations:

1. Such agencies and companies shall agree to never identify patrons by name from the information provided to such agencies or companies.
2. Such agencies and companies shall agree to not release, and shall maintain confidentiality with respect to, the information provided by the Library and the data developed from such information, except to the extent specifically authorized in writing by the Library.
3. Such agencies and companies shall agree that all such information and the data developed from such information may not be sold or resold by such agencies and companies.
4. Such agencies and companies shall agree that the Library shall continue to own such information and the data developed from such information and that the same shall be destroyed or returned to the Library on its written request.