

ADAMS COUNTY PUBLIC LIBRARY

SECTION 4.800 - CONFIDENTIALITY OF USER RECORDS (adopted 9/10/03)

Ohio Revised Code Section 149.432 provides that library records containing user information are confidential and are not open to the public. For the convenience of library trustees and employees, the full text of that law has been incorporated into this policy. Library personnel are not authorized to release confidential library user information except under the provisions of division (B) of that law.

For the release of user information to any person not listed on the cardholder's application, the library requires the following documents to be attached to a signed statement confirming receipt of the requested information: a copy of photo identification (and credentials if applicable) of the requester; a copy of any legal document(s) supporting the request; and a copy of the information released to the requester.

Copies of these documents will be provided to the library cardholder upon request. The library assumes no liability for forged documents, legal defects of court orders, interpretations of "exigent circumstances," or any user information released in good faith.

[§ 149.43.2] § 149.432 Release of library record or patron information.

(A) As used in this section:

- (1) "Library" means a library that is open to the public, including any of the following:
 - (a) A library that is maintained and regulated under section 715.13 of the Revised Code;
 - (b) A library that is created, maintained, and regulated under Chapter 3375 of the Revised Code;
 - (c) A library that is created and maintained by a public or private school, college, university, or other educational institution;
 - (d) A library that is 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.

- (2) "Library record" means a record in any form that is maintained by a library and that contains any of the following types of information:
 - (a) Information that the library requires an individual to provide in order to be eligible to use library services or borrow materials;
 - (b) Information that identifies an individual as having requested or obtained specific materials or materials on a particular subject;
 - (c) 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.

ADAMS COUNTY PUBLIC LIBRARY

SECTION 4.800 - CONFIDENTIALITY OF USER RECORDS ... cont'd

- (3) Subject to division (B)(5) of this section, "patron information" means personally identifiable information about an individual who has used any library service or borrowed any library materials.
 - (4) "Internet" has the same meaning as in section 3517.106 [3517.10.6] of the Revised Code.
- (B) A library shall not release any library record or disclose any patron information except in the following situations:
- (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 shall make that record or information available to the parent, guardian, or custodian in accordance with division (B) of section 149.43 of the Revised Code.
 - (2) Library records or patron information shall be released in the following situations:
 - (a) In accordance with a subpoena, search warrant, or other court order;
 - (b) To a law enforcement officer who is acting in the scope of the officer's law enforcement duties and who is investigating a matter involving public safety in exigent circumstances.
 - (3) A library record or patron information shall 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 under division (B) of section 149.43 of the Revised Code records that document improper use of the Internet at the library so long as any patron information is removed from those records. As used in division (B)(5) of this section, "patron information" does not include information about the age or gender of an individual.