

PRIVACY OF LIBRARY RECORDS – POLICY AND PROCEDURES

Person Responsible: Pam Szot
Last Updated: 11/26/08

I. PURPOSE

Privacy with respect to information sought or received and materials consulted or borrowed is a fundamental right for library users. Colorado statutes provide the framework for the procedures the Library follows to protect the confidentiality of customer records.

II. COLORADO STATUTE

According to **Colorado Statute (C.R.S. 1972, 24-90-119)**, Colorado's first Library User Records Law on privacy of user records. **Colorado Library Law 24-90-119. Privacy of user records.** Except as set forth in subsection (2) of this section, a publicly supported library or library system shall not disclose any record or other information which identifies a person as having requested or obtained specific materials or service or as otherwise having used the library.

- (2) Records may be disclosed in the following instances:
 - (a) When necessary for the reasonable operation of the library;
 - (b) Upon written consent of the user;
 - (c) Pursuant to subpoena, upon court order, or where otherwise required by law.

- (3) Any library or library system official, employee, or volunteer who discloses information in violation of this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300).
Source: L. 83, p. 1023, § 1.

III. PROCEDURES

The following are suggested guidelines, keeping in mind that our first priority is to accommodate the customer while protecting each user's right to privacy. Controversies involving the privacy issue will be handled as a customer services issue by supervisory/managerial staff with the final decision resting with the Library Director.

Sec. 24-90-119 C.R.S. (as amended) as it pertains to library records is quoted in Section II and dictates how any library records, under very specific circumstances, may or may not be released only by the Department Director in consultation with the City Attorney's office. The statute provides that any employee of a publicly-supported library shall NOT disclose any information which identifies any person as having requested or obtained specific materials or services or as otherwise having used the library.

A custodial parent or legal guardian who has access to the minor's library card or its authorization number may access by electronic means the library records of the minor.

If a minor has his or her own library card, and the parent or guardian does not have the minor's written consent or the actual library card itself or the authorization number for that card, then library personnel cannot disclose activity information regarding that card.

>>ALSO SEE CITY<< Administrative Policy Memoranda (APM) 4-9

APPROVED BY _____
Director

DATE _____