**University of Missouri-Columbia Libraries**

**General Policy Manual Policy #41**

**CONFIDENTIALITY OF LIBRARY RECORDS**

**0.0 CONTENTS**

1.0 Scope of Policy

2.0 Missouri State Statutes

3.0 American Library Association Statements

4.0 MU Libraries' Statement

**1.0 SCOPE OF POLICY**

Information collected by any unit of the University of Missouri-Columbia Libraries relating to the use of collections and or services by a library patron is confidential.

**2.0 MISSOURI STATE STATUTES (chapter 182.815 and 182.817)**

2.1. Section 182.815 Missouri Revised Statutes disclosure of library records, definitions:

2.1.1 "Library", any library established by the state or any political subdivision of the state or combination thereof, by any community college district or by any college or university, and any private library open to the public.

2.1.2 "Library Material", any book, document, film, record, art work, or their library property which a patron may use, borrow or request;

2.1.3 "Library record" 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.

2.2 Section 182.817 Missouri Revised Statutes Disclosure of library records not required--exceptions:

2.2.1 Notwithstanding the provisions of any other law to the contrary, no library or employee or agent of a library shall be required to release or disclose a library record or portion of a library record to any person or persons except:

2.2.2 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

2.2.3 In response to an order issued by a court of competent jurisdiction upon a finding that the disclosure of such a record is necessary to protect the public safety or to prosecute a crime.

**3.0 THE AMERICAN LIBRARY ASSOCIATION’S POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS:**

**POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS**

The Council of the American Library Association strongly recommends that the

responsible officers of each library, cooperative system, and consortium in the United

States:

1. Formally adopt a policy that specifically recognizes its circulation records and

other records identifying the names of library users to be confidential. (See

also *ALA Code of Ethics*, Article III, “We protect each library user's right to

privacy and confidentiality with respect to information sought or received, and

resources consulted, borrowed, acquired or transmitted” and *Privacy: An*

*Interpretation of the Library Bill of Rights*.)

2. Advise all librarians and library employees that such records shall not be

made available to any agency of state, federal, or local government except

pursuant to such process, order or subpoena as may be authorized under the

authority of, and pursuant to, federal, state, or local law relating to civil,

criminal, or administrative discovery procedures or legislative investigative

power.

3. Resist the issuance of enforcement of any such process, order, or subpoena

until such time as a proper showing of good cause has been made in a court of

competent jurisdiction.1

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1Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the

library’s officers will consult with their legal counsel to determine if such process, order,

or subpoena is in proper form and if there is a showing of good cause for its issuance; if

the process, order, or subpoena is not in proper form or if good cause has not been shown,

they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986, by the ALA Council.

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## ALA Policy 52.4 Confidentiality of Library Records

The ethical responsibilities of librarians, as well as statues in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received, and materials consulted, borrowed, acquired," and includes database search records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services.

The American Library Association recognizes that law enforcement agencies and officers may occasionally believe that library records contain information which may be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American judicial system provides mechanism for seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.

The American Library Association strongly recommends that the responsible officers in each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.
3. Resist the issuance or enforcement of such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

(Revised July 1999)

3.1 The American Library Association’s Code of Ethics states:

# Code of Ethics of the American Library Association;

III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

4.0 MU LIBRARIES' STATEMENT

In accordance with the Missouri Revised Statutes and guidelines provided by the American Library Association, the professional association recognized by the MU Libraries’ faculty and staff, the MU Libraries have formulated the following policy statement regarding confidentiality and privacy of Library Records and Library users.

University of Missouri-Columbia Libraries Statement on Confidentiality of Library Circulation Records:

4.1 MU Libraries will provide to any borrower a list of materials charged out to his or her ID number, provided that request is made in person or in writing. No request for that information by telephone will be honored.

4.2 MU Libraries will not provide information about one borrower's circulation records to another person except (1) to comply with section 182, 817 Missouri Revised Statutes 2000 or, (2) in the event of the death of the borrower if this information needs to be communicated to the parents, guardian or estate for the purpose of identifying the materials that need to be returned to the Library.

4.3 In cases where materials are needed immediately, authorized library staff will use all means to communicate directly with the holder of the material to arrange for return. Authorized staff includes the Director of MU Libraries or that person’s designated representative, the heads of circulation units and the Head of Access Services in Ellis Library.

4.4 Unauthorized staff or student workers may only reveal a borrower's own circulation information upon presentation of his or her ID at the Circulation Desks in all libraries. Disregard for confidentiality of patron records by staff and student workers will result in immediate disciplinary action.

4.5 Personal copies of items are sometimes placed on Reserve. These materials are covered by the confidentiality policy even though they do not belong to the library.

4.6 Interlibrary loan requests are also to be considered confidential and information regarding material requested by one patron should not be disclosed to another.

4.7 The use of all online resources owned by or made available by the University of Missouri may be used by patrons affiliated with MU and guests affiliated with the MU Libraries in accordance with the Acceptable Use Policy of the Collected Rules of the University of Missouri, section 110.05.

4.8 With regard to photography in the MU Libraries, persons using cameras for any purpose in the MU Libraries must have permission by authorized persons in the Library Administration, Branch Library Administration or Ellis Library Security areas.

Sponsored by June DeWeese and Judy Pallardy

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