

**St. Joseph Public Library
Confidentiality of Patron Records**

The St. Joseph Public Library (SJPL) recognizes that its circulation records, computer browsing data and other records identifying the names of library users and the records of any reference transaction are confidential in nature. In accordance with recognized professional standards (ALA Code of Ethics) and as allowed by Missouri Statute (RSMo Chapter 182.817) SJPL will protect each library user's right to privacy and confidentiality with respect to information sought or recovered and resources consulted, borrowed, acquired or transmitted.

Library records identifying the names and addresses of library patrons, and/or disclosing materials borrowed or used by patrons, shall not be made available to any agency of federal, state or local government or to any individual except as provided in the law cited above.

Upon receipt of such legal processor order for confidential records, the library's Director or designee will consult with legal counsel to determine if such process or order is in proper form and shows before a court of competent jurisdiction a finding that the disclosure of the requested record is necessary to protect the public safety or to prosecute a crime. If the process or order is not in proper form, or does not show before a court of competent jurisdiction a finding that the disclosure of the requested record is necessary to protect the public safety or to prosecute a crime the Director or designee will insist that such defects be corrected prior to any release of information.

Such records shall **not** be made available to any other individual so inquiring. This includes, among other instances:

1. a request by any individual(s) to know who currently has checked out an item in the collection.
2. a request by anyone who has found an item (library material, library card, etc.) with a barcode appended to be given the name of the owner/borrower so that the finder may return the item to the individual. Instead, a request will be made that the finder return the item to the library where steps will be taken to notify the owner/borrower.

Consistent with the intent of RSMo Chapters 182.815 and 182.817 regarding disclosures of library loan records, library staff may release the titles of materials checked out on a particular borrower card under the following conditions:

- a) an individual presents his/her library borrower's card or a photo ID (telephone requesters must be able to verify account information before information will be released.)
- b) an individual presents a valid borrower's card. (The possession of the library card is assumed to be the approved cardholder if it has not been reported stolen or missing.)
- c) a parent or guardian is present with a minor under the age of 17 and the parent/guardian presents valid identification of themselves or the child.

- d) a parent or guardian calls from home with the child's library card number;
- e) Consistent with the intent of RSMo Chapter 452.375.10, SJPL recognizes the right of the parent or guardian of a minor child (under 17 years of age) to have access to that minor's library records. When issuing or updating a minor's library records the library will record the names of a guardian in the patron database and provide access to the minor's records to that individual with the provision of a photo ID even if the minor is not present.
- f) SJPL may release patron records to a court or prosecutor pursuant to the collection of money owed for lost or damaged items or to secure the return of items deemed "long overdue."

Any other requests for loan records should be directed to the library Director.

Deliberate and unauthorized breach of confidentiality by staff is considered a serious violation of policy and professional standards and will result in appropriate corrective action.

RSMo 182.815 As used in this section and section 182.817, the following terms shall mean:

- (1) "Digital resource or material", any E-book, digital periodical, digital thesis, digital dissertation, digital report, application, website, database, or other data available in digital format from a library for display on a computer screen or handheld device;
- (2) "E-book", any book composed or converted to digital format for display on a computer screen or handheld device;
- (3) "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;
- (4) "Library material", any book, E-book, digital resource or material, document, film, record, art work, or other library property which a patron may use, borrow or request;
- (5) "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 nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library material in general.

RSMo 182.817. 1. Notwithstanding the provisions of any other law to the contrary, no library, employee or agent of a library, or third party contracted by a library that receives, transmits, maintains, or stores library records shall release or disclose a library record or portion of a library record to any person or persons except:

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

2. Any person whose privacy is compromised as a result of an alleged violation of this section may file a written complaint within one hundred eighty days of the alleged violation with the office of the attorney general describing the facts surrounding the alleged violation. Such person may additionally bring a private civil action in the circuit court of the county in which the library is located to recover damages. The court may, in its discretion, award punitive damages and may award to the prevailing party attorney's fees, based on the amount of time reasonably expended, and may provide such equitable relief as it deems necessary or proper. A prevailing respondent may be awarded attorney fees under this subsection only upon a showing that the case is without foundation.

3. Upon receipt of a complaint filed in accordance with subsection 2 of this section, the attorney general shall review each complaint and may initiate legal action if deemed appropriate.

RSMo 452.375.10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.