

Confidentiality of Library Records

JPAB Policy # 303
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The Santa Cruz City County Library System complies with all sections of the State of California Public Records Act (Protection of Library Circulation and Registration Records, Government Code Title 1, Division 7, Chapter 3.5. See Appendix below).

That is, all registration and circulation records of library users shall remain confidential and shall not be disclosed to any person, local, state, or federal agency except by order of the appropriate superior or federal court.

The Library also treats patron requests for reference information and records of patron Internet use as confidential.

Further, the Library Joint Powers Authority Board regards any inquiry about library use as an invasion of patron privacy. It prohibits staff from giving information about any library use absent a valid order from a superior or federal court or at the discretion of the Library Director. The common sense exception to this rule is when a law enforcement officer describes a situation involving immediate danger to either staff or the public.

Appendix I

*Excerpt from State of California PUBLIC RECORDS ACT
(Protection of Library Circulation and Registration Records)
(Government Code Title 1, Division 7, Chapter 3.5)*

Sec. 6254: Library records exempt from disclosure requirements

Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on such borrowers.

Sec. 6254.5: Disclosure as waiver of exemption

Notwithstanding any other provisions of the law, whenever a state or local agency discloses a public record which is otherwise exempt from this chapter, to any member of the public, this disclosure shall constitute a waiver of the exemptions specified in Sections 6254, 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment.

This section, however, shall not apply to disclosures:

- (a) Made pursuant to the Information Practices Act (commencing with Section 1798 of the Civil Code) or discovery proceedings.
- (b) Made through legal proceedings.
- (c) Within the scope of disclosure of a statute which limits disclosure of specified writings to certain purposes.
- (d) Not required by law, and prohibited by formal action of an elected legislative body of the local agency which retains the writings.
- (e) Made to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

Sec. 6255: Basis for withholding records from inspection

The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

Sec. 6267: Registration and circulation records of libraries supported by public funds

All registration and circulation records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed to any person, local agency, or state agency except as follows:

- (a) By a person acting within the scope of his or her duties within the administration of the library.
- (b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.
- (c) By order of the appropriate superior court.

As used in this section, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes any information which identifies the patrons borrowing particular books and other materials.

This section shall not apply to statistical reports of registration and circulation nor to records of fines collected by the library.