



# PROCEDURE

**Title:** Confidentiality of Patron Records

**Number:** LS-15

**Cancels:** July 15, 2018

**Approved:** May 19, 2021

**Review:** May 19, 2024

## I. PURPOSE AND SCOPE

To ensure that patron records are kept confidential within the requirements of law and establish a procedure for dealing with requests for confidential information.

## II. DEFINITIONS AND REFERENCES

- A. Department Director – Director of the Brevard County Library Services Department.
- B. Library Director – a director of one of the seventeen (17) libraries comprising the Library System.
- C. Patron – any individual using a Brevard County Library.
- D. Chapter 119, Florida Statutes – Public Records.
- E. Chapter 257, Florida Statutes – Public Libraries and State Archives, FS 257.261, confidentiality of circulation and registration records.
- F. American Library Association’s “Code of Ethics” as adopted in 1939 and all subsequent amendments.
- G. American Library Association’s “Policy on Confidentiality of Library Records” as adopted January 20, 1971 and all subsequent amendments.
- H. American Library Association’s “Policy Concerning Confidentiality of Personally Identifiable Information about Library Users” adopted July 2, 1991 and all subsequent amendments.
- I. Internet – the combination of resources from websites, library catalogs, e-mail systems and other computerized sources of information as provided through a common interface.
- J. US Patriot Act Information Memo – ALA approved recommended Procedures for Law Enforcement visits.
- K. Brevard County Library Confidentiality Form-2015.

## III. FUNDAMENTAL PRINCIPLES

- A. Librarians’ professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article II of the *Code of Ethics*, which states that “[librarians, library staff, library workers] protect each library user’s right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted.”
- B. In Florida, library records are confidential and may not be disclosed under the laws governing open records (Florida Statutes Chapter 119 and 257.261).
- C. Brevard County Library Services Department intends to fully comply with any legal request made of it, with the understanding that confidential library records should not be released or made available in any format to a federal agent, law enforcement officer, or other person

unless a court order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records.

- D. In the case of a library patron less than 16 years of age and, only for the purpose of collecting fines or recovering overdue items, the library may disclose information to the parent or guardian of that patron named in the records.

#### IV. GENERAL GUIDELINES

- A. The Department Director shall designate the person or persons who will be responsible for handling requests for confidential library records, including those of the custodial Circulation system and Internet records. In most circumstances, it should be the Library Director. If the Library Director is unavailable, staff should contact the office of the Department Director.
- B. All library staff, including volunteers, shall be trained on the libraries' procedure for handling requests for confidential library records and sign with staff witness the BCL Confidentiality Form-2015.

#### V. LAW ENFORCEMENT REQUESTS

- A. Staff should immediately ask for identification if they are approached by an agent or officer, and then immediately refer the agent or officer to the Library Director or the Department Director. The Library Director or Department Director should have a third party or an attorney from the County Attorney's office present.
- B. Staff should understand that it is lawful to refer the agent or officer to the Library Director (or designee in the Library Director's absence) in charge of the library in order to ensure that Florida Statutes Chapter 119 and Florida Statute 257.261 are properly taken into consideration in responding to the request.

##### Florida Statute 257.261

- (1) All registration and circulation records of every public library, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. 119.01 (1) and from s. 24(a) of Art. 1 of the State Constitution.
- (2) As used in this section, the term "registration records" includes any information that a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes all information that identifies the patrons who borrow particular books and other materials.
- (3) (a) Except in accordance with a proper judicial order, a person may not make known in any manner any information contained in records made confidential and exempt by this section, except as otherwise provided in this section.  
  
(b) A library or any business operating jointly with the library may, only for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library, disclose information made confidential and exempt by this section to the following:
  - 1. The library patron named in the records;
  - 2. In the case of a library patron less than 16 years of age, the parent or guardian of that patron named in the records;
  - 3. Any entity that collects fines on behalf of a library, unless the patron is less than 16 years of age, in which case only information identifying the patron's parent or guardian may be released;

4. Municipal or county law enforcement officials, unless the patron is 16 years of age, in which case only information identifying the patron's parent or guardian may be released; or
5. Judicial officials.

(4) Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083.

C. Staff should refer to LS-15 addendum "USA Patriot Act Informational Memo" on page 4.

#### VI RESERVATION OF AUTHORITY

The authority to issue or revise this procedure is reserved to the Department Director.

A handwritten signature in blue ink, appearing to read "Wendi Bost", is written over a horizontal line.

Wendi Bost, Library Services Director

Approved by the Brevard County Library System Board: May 19, 2021.