

Governor Douglas signed into law S. 220, the library patron confidentiality bill. It will take effect July 1, 2008.

TEXT OF THE BILL:

S.220

AN ACT RELATING TO THE CONFIDENTIALITY OF LIBRARY PATRON RECORDS

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 22 V.S.A. chapter 4 is added to read:

Chapter 4. LIBRARY PATRON RECORDS

§ 171. DEFINITIONS

As used in this chapter:

(1) "Library" means a public library as defined in subdivision 101(2) of this title, any college university or school library, or any other library or archive that is open on a regular basis and makes available on site, or circulates, materials to the public without a fee.

(2) "Patron registration records" means library records that contain information a library patron must provide in order to be eligible for borrowing privileges at a library.

(3) "Patron transaction records" means library records that contain names or other personal identifying information that discloses an individual's activities within a library, including the materials that have been viewed in print or electronic form, research questions posed, materials in any format that the patron has requested through interlibrary loan or has borrowed, or any other library service or consultation that the patron has requested.

§ 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

(a) A library's patron registration records and patron transaction records shall remain confidential.

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

(1) with the written permission of the library patron to whom the records pertain;

(2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;

(3) in response to an authorized judicial order or warrant directing disclosure;

(4) to custodial parents or guardians of patrons under age 16;

(5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

(c) Statistical records pertaining to the patronage, circulation activities, and use of any service or consultation the library provides, provided that they do not contain the names of patrons or any other personally identifying information, shall be exempt from the provisions of this chapter.

§ 173. RIGHT OF PATRON ACTION

Any person whose confidential patron registration records or patron transaction records have been disclosed, except as provided in this chapter, is authorized to bring a civil action against the library that disclosed the records.

Sec. 2. 1 V.S.A. § 317(c)(19) is amended to read:

(19) records relating to the identity of library patrons or the identity of library patrons in regard to the circulation of library materials _patron registration records and patron transaction records in accordance with chapter 4 of Title 22_;