

WHAT DOES THE VERMONT LAW SAY?

Title 22: Libraries, History, and Information Technology 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. (Added 2007, No. 129 (Adj. Sess.), § 1.)

§ 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. (Added 2007, No. 129 (Adj. Sess.), § 1.)

§ 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. (Added 2007, No. 129 (Adj. Sess.), § 1.)

For More Information

American Association of School Librarians Essential Links:
[http://aasl.ala.org/essentiallinks/index.php?title=](http://aasl.ala.org/essentiallinks/index.php?title=Intellectual_Freedom)

[Intellectual_Freedom](#)

American Library Association Office for Intellectual Freedom:
<http://www.ala.org/ala/aboutala/offices/oif/index.cfm>

ALA's OIF provides links to core intellectual freedom documents such as the Library Bill of Rights, the Freedom to Read and Freedom to View Statements, Access to Resources and Services in the School Library Media Program & the Code of Ethics. IF toolkits and other resources are available as well.

Knowledge Quest (online edition), "Intellectual Freedom 101", 36 no 2: <http://www.ala.org/ala/mgrps/divs/aasl/aaslpubsandjournals/knowledgequest/kqwebarchives/kqwebarchives.cfm#if101>

Freedom to Read Foundation: <http://www.ala.org/ala/mgrps/othergroups/freedomtoreadfoundation/index.cfm>

The USA Patriot Act: <http://www.ala.org/ala/aboutala/offices/oif/ifissues/usapatriotact.cfm>

FERPA: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

CONFIDENTIALITY IN SCHOOL LIBRARIES

Understanding and Implementing the
Vermont Patron Confidentiality Law



VERMONT SCHOOL LIBRARY ASSOCIATION



CONFIDENTIALITY: OUR OBLIGATION TO STUDENTS

In May 2008, the Vermont Legislature

passed a law strengthening confidentiality protections for library patrons, recognizing that the freedom to read and seek information is integral to free speech and a healthy democracy.

School librarians experience some particular challenges and questions in implementing the law. The Vermont School Library Association created this pamphlet to provide guidance on some of the most common questions about the law.

"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."

From the American Library Association

Many of those questions concern balancing our responsibilities to patrons, parents, and colleagues. As librarians, we are obligated to protect patron confidentiality. As school employees we are bound by the Federal Education Rights and Privacy Act (FERPA) and must release records to parents or guardians in accordance with the law. We may also be asked for information by teachers and administrators who are not aware of our professional ethics and practices concerning confidentiality.

The guidelines outlined here are meant to help you create an environment in your library that allows you to promote patron privacy while working in a positive way with parents and colleagues. Educating others about the importance of confidentiality in the library may be important groundwork for those relationships as well as valuable knowledge for students. Please see the resources on the back for more information on this and other intellectual freedom issues.

Some Best Practices to Ensure Privacy in School Libraries

- Create as few patron records as possible and delete them as quickly as possible. For example, delete records of materials borrowed after they are returned.
- If you still use circulation cards, use numbers instead of names when patrons sign out books.
- Clear patron records from computer monitors after transactions are complete so information is not on display.
- Do not share borrowing history or library use information with teachers, staff, administrators, students or the public. Parents have a right to know, in accordance with FERPA guidelines.
- Teachers, administrators, and staff may not restrict a child's reading by forbidding certain books. A parent may do so, and you may want to ask that they put their request in writing.
- Train library staff, volunteers, and aides in confidentiality policies. Educate teachers, administrators and staff about your legal and ethical responsibilities to safeguard confidentiality. Consider creating and posting a privacy policy.



Patrons are entitled to privacy in the library whether they are using print or non-print resources.

- When asked who has borrowed a certain book, tell the patron this is confidential information. Offer to put the book on hold.
- Reference requests should also be handled with regard to privacy. We often ask questions in assisting a patron, but this may also violate privacy, so use care and discretion.

Dealing with Overdue Notices

Many of us, especially librarians in elementary schools, are used to working with teachers and parents to collect overdue books. How do we uphold our legal and ethical obligation to protect students' privacy while meeting the everyday demands of running a busy library?

In general, the older the student, the greater the need for the child's privacy and the greater his/her own responsibility for returning library materials.

Overdue notices should go directly to students when possible. If notices are generated by your OPAC, fold and staple or tape them so that titles are hidden, with the student name at top.

If overdue notices are given to teachers and parents, titles of library materials should be omitted.

Do not post lists of overdues.

Give students warning before overdue notices are sent home to parents.

Talk to your principal about these practices and how to respond to parent requests for titles of overdue materials. Some schools may choose to simply give parents the information. Some have recognized a need to verify that the requestor is indeed the parent or guardian before releasing information. Some may choose to handle the matter in the same way they handle FERPA requests.

What About the Patriot Act?

Detailed guidelines are available at the ALA web site. Know that law enforcement requests for information must follow legal procedure: a warrant or subpoena is required. You and your principal should be informed about how to handle such requests.