

## CONFIDENTIALITY OF LIBRARY RECORDS POLICY

**POLICY** - It is the policy of the Lewis and Clark Library Board of Trustees that individual library records of all library users, no matter their age, are confidential to the extent defined in 22-1-1101 to 22-1-1111, MCA (Appendix G – Library Records Confidentiality Act). A library record is any document, record, or other method of storing information which identifies a person as having requested, used or borrowed library material or other records identifying the names or other personal identifiers of a library user.

No person may release or disclose a library record or a portion of a library record except in response to:

- A. presentation of the patron's library card, or valid ID; or
- B. in an attempt to recoup overdue fines, or lost items, staff may disclose a minor patron's title information to a parent or guardian - 22-1-1103 (3) MCA
- C. a written request of the person identified in that record; or
- D. an order issued by a court of competent jurisdiction, upon a finding that the disclosure of such record is necessary because the merits of public disclosure clearly exceed the demand for individual privacy.

Court orders pursuant to the Library Records Confidentiality Act will be referred to the Library Director. The Library Director may consult with the Lewis and Clark County Attorney's Office for assistance in complying with the Court order and, in the event the Court order is issued out of a court located in Lewis and Clark County, the Library Director may seek legal guidance from a law firm not associated with the Lewis and Clark County Attorney's Office. Library Records may be disclosed to the extent necessary to return overdue or stolen materials or collect fines.

Users may view their library record at any public access computer or by using the Library's online system via the Internet.

Definitions: Library Records - any document, record, or any other method of storing information retained, received, or generated by a library that identifies a person as having requested, used, or borrowed library material or other records identifying the names or other personal identifiers of library users. Library records does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general or records that are not retained or retrieved by personal identifier.

Reviewed and amended by the Board of Trustees August 21, 2018  
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Reviewed and amended by the Board of Trustees October 20, 1993  
Adopted by the Library Board December 18, 1979

## Lewis & Clark Library Policies

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**PROCEDURES** - The Library Director is the designated person responsible for handling a law enforcement request. If the Director, another responsible administrator, or member of the Management Team is unavailable, the County Attorney's Office will be contacted immediately.

Without a valid court order neither the FBI nor local law enforcement has authority to compel cooperation with an investigation or require answers to questions.

If the agent or officer presents such a process, order or subpoena the Library Director will immediately call the County Attorney's Office and ask for assistance.

Employees will understand that it is lawful to refer an agent or officer to an administrator in charge of the Library, and that they do NOT need to respond immediately to any request.

Staff should immediately ask for identification if they are approached by an agent or law enforcement officer, and then record the information before referring the individual to the Director or the designated supervisor.

Since staff safety is a priority, if the law enforcement agent is unrelenting or forceful in any way the staff shall take the following steps:

- 1 – State that you are not allowed to give anything to the agent or law enforcement without the proper documentation or order;
- 2 – Step aside, allowing them to take anything they want;
- 3 – Record what they take;
- 4 – Report to the Director or the County Attorney's Office.