



ADMINISTRATIVE POLICY MANUAL

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Section: Service

Subject: Confidentiality of Library Records

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Summary: This document contains the library's policy and procedure regarding confidentiality of customers' registration and borrowing records based on the Kansas Open Records Act and the [ALA Code of Ethics](#).

Definitions:

Customer Registration Information refers to the personal information customers provide to staff when registering for a library card: name, address, phone number, e-mail address, and birthdate/age.

Customer Borrowing Records Information refers to the items a customer has checked out, placed on hold, used in the past, or on which he or she owes fines or fees.

Policy:

1. All outside inquiries (from law enforcement, media, government agencies, lawyers and others) regarding access to Customer Registration Information and Customer Borrowing Records Information will be referred to the Library Director, and no records may be made public without approval of the Library Director. Customer Registration Information and Customer Borrowing Records Information are exempt from disclosure pursuant to the Kansas Open Records Act (K.S.A. 2006 Supp. 45-221(a) (23), as amended) and library policies and will only be released upon receipt of a valid court order or subpoena authorized under federal, state, or local law.
2. The Olathe Public Library will not retain history of a Customer's Borrowing Records.
3. The Library Director may adopt written procedures and guidelines under this policy that authorize the library to make limited use of Customer Registration Information for the sole purpose of facilitating communications by the library with that customer. Such written procedures will limit such use to the library and will not authorize use by any outside agency and will limit such use to library communications between the library and the customer.



4. The Library Director may adopt written procedures and guidelines under this policy that provide advice and guidance to library staff on how to apply the terms of this policy when provided a request for Customer Registration Information or Customer Borrowing Records Information from a person or agency outside the library. By way of illustration and not limitation, such procedures might provide library staff guidance on the handling of subpoenas issued to the library under the terms of this policy.
5. A customer may check out materials and access his/her own library record(s), of all kinds, only by providing a library card, library card number, or valid proof of identity. Customers without one of these items must verbally verify their PIN (personal identification number) and provide at least 2 other pieces of account information to have full access to their account.
6. Parents or guardians of children under 18 years of age may, upon presentation of proper identification, obtain the status of their child's Borrowing Records Information or withdraw their authorization for the child's library card. Parents without proper identification must verbally verify at least 3 pieces of the child's account information to have full access to their child's account.
7. A customer who provides a library card or library card number may check out materials to that card or obtain Registration and Borrowing information from the matching customer record. Customers may also authorize other customers or family members to pick up materials being held by notifying the library staff in advance. Authorized individuals, upon presentation of identification, will not be required to have the customer's card or card number to check out, pay fines, pick up holds or renew items.

Any customer may pay the fines of any other customer without a library card number or other verification. However, in this circumstance, no Customer Registration Information or Customer Borrowing Records will be provided to the person making the payment.

8. Library staff will not disclose library customer's use of the library with respect to information sought or received, except pursuant to a valid court order or subpoena authorized under federal, state, or local law. Any court order or subpoena received by a member of the staff must be immediately directed to the Library Director and library counsel.
9. Nothing in this policy will be construed to prohibit the library from disclosing a customer's account records to a third party collection agency when that customer has past due fines or library materials that have been checked out and not returned; the Library Director is authorized to submit such customer records to a third party collection agency pursuant to any agreement approved by the Library Board.



10. In order to obtain demographic profiles or customer usage pattern studies that will allow the library to improve the quality and content of its collections and offerings to customers, the library may provide certain information to agencies of Johnson County Government and City of Olathe Government and to private companies that have contractually agreed to produce such profiles or studies. Such information will not identify customers by name or allow for individual customers to be identified by name. The library will provide such information only pursuant to written agreements that contain the following terms, as well as those required elsewhere in this policy:

- a. Such agencies and companies must agree to never identify customers by name from the information provided to such agencies or companies.
- b. Such agencies and companies must agree to not release, and must maintain confidentiality with respect to, the information provided by the library and the data developed from such information, except to the extent specifically authorized in writing by the library.
- c. Such agencies and companies must agree that all such information and the data developed from such information may not be sold or resold by such agencies and companies.
- d. Such agencies and companies must agree that the library shall continue to own such information and the data developed from such information and that the same must be destroyed or returned to the library if requested .