

Oregon State Library
Policies and Procedures

PATRON RECORD DISCLOSURE POLICY

Approved by:

Date: 9/2/04

APPLICABILITY: All State Library employees, volunteers, and contractors, herein after referred to as “staff.”; State Library Board of Trustees.

AUTHORITY: ORS Chapter 357 -- Libraries; Archives; Poet Laureate (2001 EDITION)
OAR 534 - Oregon State Library
ORS Chapter 192 — Public and Private Records; Public Reports and Meetings (2001 EDITION)
ORS 192.502(22) <http://www.leg.state.or.us/ors/192.html>

DEFINITIONS: **ORS 192.005 Definitions for ORS 192.005 to 192.170.**
(5) "**Public record**" includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use.

ORS 192.501 Public records conditionally exempt from disclosure. The following public records are exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance:

...

(22) The records of a library, including circulation records, showing use of specific library material by a named person or consisting of the name of a library patron together with the address or telephone number, or both, of the patron.

Law Enforcement Officer/Peace Officer. A sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, investigator of the Criminal Justice Division of the Department of Justice or investigator of a district attorney’s office and such other persons as may be designated by law. It may also include sworn officers of the FBI, CIA or other United States government law enforcement agencies or courts.

POLICY:

The Oregon State Library is committed to ensuring confidentiality of patron circulation records. It is the policy of the Oregon State Library to not release any patron records except:

1. As required by law; and
2. Transaction records of Talking Book and Braille Services patrons may be disclosed to parents, guardians or authorized school personnel of minor children and to authorized caregivers for adult patrons in order to provide adequate and accurate library services.

To ensure that the Library operates in a fair and objective manner, all employees must be aware of and comply with this policy. A copy of this policy shall be distributed to all current employees. New employees will receive a copy in their employee orientation packet.

Employees are encouraged to check with a manager any time they have doubt as to their activities with regard to library patron records disclosure or security. Questions which cannot be resolved to an employee's satisfaction should be forwarded promptly to the State Librarian.

All employees of the State Library, as public officials, shall:

1. uphold and comply with federal, state and local laws, and policies,
2. perform their jobs in a professional manner and provide service to clients with impartiality,
3. maintain a high ethical standard in their job and work related activities, and
4. follow the library records disclosure procedures outlined in this policy.

Under certain circumstances, library record disclosure may be legally required by law enforcement officers. Only designated management staff, in consultation with the Oregon Department of Justice, are authorized to approve the release of patron record information if required under the appropriate Federal or State statutes.

The response of library employees if approached by members of the press to inquire about any Law Enforcement visit to the state library shall be, "No comment." Inquiries from the press should be referred to the State Librarian or his designee in accordance with State Library policy.

Non-disclosure of library records:

Records exempt from disclosure under ORS 192.501 at the Oregon State Library include:

Any library records that include circulation records, showing use of specific library material by a named person or consisting of the name of a library patron together with the address or telephone number, or both, of the patron.

Procedure for response to a citizen request for patron record disclosure:

If you are approached by a person or group that is not a law enforcement officer or organization, asking for access to library patron records and/or library system data files or equipment, take the following steps:

1. Treat the person with respect and courtesy.
2. Inform the person that under Oregon statutes, specified library public records are exempt from disclosure. Provide them with a copy of the patron record disclosure policy information sheet, for their examination. If the person has further questions or disagrees

with the request denial, ask them to wait briefly while you locate a Manager to assist them.

3. Call the administrative office (82464), explain the situation and ask for a manager to respond to the person's request, or contact a manager directly. See the phone extension list.
4. A library manager will meet with the person to determine the nature of the request, explain our patron record policy and receive any documents that may be provided. They will notify the person that any denial of access to public records may be appealed in writing to the Oregon State Attorney General under ORS 192.450.
5. If the request is made during open hours on a weekend or at any other time when managers are not present, inform the person of our policy. If they need additional help, explain that no administrative staff are currently in the building. Ask the person to contact our Administrative office during normal weekday operating hours and ask to speak to a manager. Provide the person with the 378-4243 general number, and inform them of our 8-5, Monday-Friday, hours of operation.

Procedure for response to a Law Enforcement patron record inquiry:

If you are approached by a law enforcement officer asking for access to library patron records, data files or data storage equipment, take the following steps:

1. Treat officer with respect and courtesy. Ask for law enforcement identification.
2. Ask the officer to wait briefly while you ask a Manager to assist them.
3. During regular weekday work hours, call the State Librarian or, in his absence, the Executive Support Specialist. Explain the situation and ask for a manager to respond to the law enforcement officer's request.
4. The State Librarian or designated Program Manager will meet with the law enforcement officer to determine the nature of the request and receive any legal documents which may be provided.
5. The designated Program Manager will immediately notify the State Librarian who will contact the Department of Justice to present this information to legal counsel for review.
6. If the officer does not have a court order compelling the production of records or equipment, the designated manager and/or legal counsel will explain the State of Oregon public record law as it pertains to library records. They will inform the officer that library records will only be disclosed when a proper court order in good form has been presented to the library and reviewed by the State Librarian and Oregon Department of Justice.
7. If the officer presents a court order compelling the production of records or equipment, the library's legal counsel will review the legality of the document prior to any action. If the court order is proper, legal counsel will provide assistance on site during the search and/or production of records or equipment.

8. If a court order is presented during open hours on a weekend or at any other time when managers are not present, inform the law enforcement officer that you are not authorized to release any confidential information without the approval of the State Librarian.
 - Ask the officer to wait while you contact the State Librarian.
 - Call the State Librarian using the phone number provided at the reference desk.
 - If you are unable to reach the State Librarian, leave a message detailing the issue.
 - Accept the legal document, lock it in a secure desk drawer and deliver it to the State Librarian or, in his absence, another manager immediately the following work day.
 - Document the date, time, law enforcement officer's name, agency and phone number, and the type of legal document presented. Deliver this information along with the legal document immediately the next workday.
 - If an unanticipated problem arises, and you are unable to contact the State Librarian, contact another manager using the phone list at the reference desk.

9. If the library is served with a search warrant issued by the FISA court under the U.S. Patriot Act, the library and library staff are forbidden by law to disclose to anyone that the warrant was served, what records were produced, or the identify of the person being investigated.