



Bismarck  
Veterans Memorial  
Public Library

## **Bismarck Veterans Memorial Public Library Policy on the Confidentiality of Library Records**

The Library Board of Directors recognizes its responsibility to protect the privacy of each patron concerning personal records relating to use of library materials.

Records are required for controlling the use of library materials both on or off the library premises. These records are not in any way intended for the purpose of monitoring a user's reading or pursuit of information. Circulation records are kept to protect public property. Summary statistics of library use are kept to measure organizational activity.

Any library record which includes a library user's name or information sufficient to identify a user together with the subject about which the user requested information, is exempted from the public records disclosure requirements of NDCC 44-04-18 pursuant to NDCC 40-38-12 and shall not be made available upon request of any person other than the patron. Exceptions: Parents or legal guardians of patrons under 13 years of age may request a list of items out at any time. Parents or legal guardians of patrons between the ages of 13 through 17 years may request a list of items out only when the account is in default (overdue/lost/damaged fines).

However, library records shall be released when required pursuant to a court order, search warrant, or subpoena. Only the Library Director or his representative is authorized to release requested records pursuant to court order, search warrant, or subpoena. A complete record of the information released, a signed receipt form and a copy of the court order, search warrant, or subpoena will be retained in a file designated by the Director. Should any question arise, the Library Director will consult the Library Board of Directors and the City Attorney.

The Library Board shall take steps to request that the issuing court grant an appropriate court order to assure that any information released pursuant to a court order, search warrant, or subpoena shall be limited to the specific need for which it was requested and further released only to a person with the need to know the information.

Approved by the Library Board of Directors: 7-1-85; reaffirmed 5-25-06; amended 2-24-11.

# **Policy on the Confidentiality of Library Records**

## **Attachment 1**

### **40-38-12 Library records—Open records exception.**

Any record maintained or received by a library receiving public funds, which provides a library patron's name or information sufficient to identify a patron together with the subject about which the patron requested information, is considered private and is excepted from the public records disclosure requirements of section 44-04-18. These records may be released when required pursuant to a court order or subpoena.

History

Source: S.L. 1985, ch. 464, & 1