

**Caroline County
Board of Supervisors Agenda
Executive Summary**

Meeting Date: April 14, 2020

Title: Consent Agenda – Amendment of Caroline Library
Confidentiality of Patron Records Policy

(Check Mark)

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Closed Meeting
<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> No Action (Information Only)	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution	<input type="checkbox"/> PowerPoint Presentation

Summary: During the 2020 legislative session of the General Assembly, the House and Senate passed HB 313 Virginia Freedom of Information Act; library records. The legislation was signed into law by the Governor on March 2nd. HB 313 amends Section 2.2-3705.7.3 of the Code of Virginia to clarify the existing exemption of library records that can be used to identify any library patrons and/or the materials and resources that they borrowed or accessed from disclosure under the Virginia Freedom of Information Act. The exemption now includes electronic resources accessed either at or through the library. This section of the Code of Virginia is quoted in the library’s Confidentiality of Patron Records Policy, and the policy has been modified to reflect this change in the Code.

Budget Impact: N/A

Action Requested of Board of Supervisors: Approve amendment of Library Confidentiality of Patron Records Policy as proposed

Caroline County Library

CONFIDENTIALITY OF PATRON RECORDS POLICY

Policy Statement

Caroline County Library supports every patron's right to have his or her library records remain confidential. Library records include circulation records, overdue and reserve records, participation in library sponsored programs, record of computer use, and/or any data that contain information that links a specific patron to specific materials or services used. The library will keep these records solely for the purpose of protecting library property.

The Code of Virginia, Section 2.2-3705.7.3 states that "Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age" is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act. This information may be disclosed by the library director, except where prohibited by law. In regards to clause ii, access will not be denied to the parent or guardian of patrons under 18 years of age.

Accordingly, library records shall not be made available to any agency of local, state, or federal government or any individual except pursuant to such legal process, order, or subpoena which specifically identifies the information required and the purpose for such a request. Upon receipt of any inquiry, process, order, or subpoena seeking library records, the matter will be turned over to the library director. No records will be released until the county attorney determines that such inquiry, process, order, or subpoena is in proper legal form.

Nothing in this policy shall prevent authorized library personnel from using library records in the administration of their regular duties. Additionally, individuals wishing to view their own library records or those of their child or children may do so as long as they present their library card or a photo ID.

Adopted by Caroline Library Inc. Board of Trustees March 11, 2010
Amended and Adopted by Caroline County Board of Supervisors January 14, 2020
Amended April 14, 2020