

**DALY CITY PUBLIC LIBRARY
POLICY 3: RIGHT OF PRIVACY**

In accordance with the Public Records Act (Protection of Library Circulation and Registration Records), California Government Code Title 1, Division 7, Chapter 3.5 (§6254) and (§6254.13) and with federal confidentiality laws, Library circulation and borrowers' registration records are not public records. Therefore, it is the policy of the Daly City Public Library to protect the right of privacy of all individuals by not disclosing such records, except to:

- Library employees acting within the scope of their employment
- Another person authorized, in writing, by the individual to whom the records pertain
- The parent or guardian of a minor child, regarding overdue or lost materials only (per signed agreement on the library card application form)
- Local, state and federal law enforcement agencies presenting legitimate requests such as a search warrant, subpoena or other order for patron records issued per provisions in the California Government Code (§6267) and the USA Patriot Act.

Each search warrant, subpoena or other court order for patron records will be dealt with on a case-by-case basis in consultation with legal counsel to ensure compliance with the law as well as confidentiality obligations (see also Daly City Public Library Policy 20: USA Patriot Act Policy).

Library employees may report observations of criminal or threatening behavior to law enforcement agencies without a court order. Library employees also may disclose overdue circulation records of library fines and fees and corresponding borrower registration records, to a collection agency working on behalf of the Library.

PUBLIC RECORDS ACT

(Protection of Library Circulation and Registration Records)
California Government Code Title 1, Division 7, Chapter 3.5)

§ 6254. Exemption of particular records [Library records exempt from disclosure requirements]

Except as provided in Section 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference and exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on the borrowers.

§ 6255. Justification for withholding of records [Basis for withholding records from inspection]

(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that include a determination that the request is denied, in whole or in part, shall be in writing.

§ 6267. Registration and circulation records of libraries supported by public funds

All registration and circulation records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes any information which identifies the patrons borrowing particular books and other material.

This section shall not apply to statistical reports of registration and circulation nor to records of fines and fees collected by the library.

Adopted by the Library Board of Trustees: 3/1/84

Reaffirmed by the Daly City Public Library Board of Trustees: 11/17/98; 10/19/10

Revised by the Daly City Public Library Board of Trustees: 5/20/03