

Sharing Patron Information with another Library

Initial question from a librarian: We recently found some books for a Wisconsin library in our book drop. We returned the books to the library and then were contacted by library staff asking if this was a patron at our library and if so if we would give them the patron's address. The patron took several books from the Wisconsin library who would like to retrieve the items. Is it legal to share the patron's information with this library?

Response from Tracy Cook – August 30, 2011

Arah asked me to respond to your question. It is a good question. Like so many legal questions I cannot find anything specifically addressing this particular issue, but I'm going to do my best to answer your question and explain my reasoning. I have to give you my standard disclaimer that I am not a lawyer, so this should not be considered legal advice. It's always good to talk to a lawyer if you have any doubts about situations like these. Okay now that we've said that here's my response.....

1. You are correct in that the Library Records Confidentiality Act (MCA 22-1-1103) says you cannot disclose library records. So no you cannot tell the library in Wisconsin whether or not you have the same patron. There are three exceptions, but none of them apply here. You can disclose library records if you have a search warrant, need to obtain overdue books (that would be Bozeman not Wisconsin), or the patron gives you written permission. I suppose you could contact the patron and ask for written permission, but I doubt that would work very well.....

2. So can you forward a letter from the Wisconsin library to the patron? This is definitely a gray area, and I can't find anything specifically addressing it. I'm going to recommend not doing this. Here's why. First if you say to the Wisconsin library that I will forward that information to the patron then you are basically admitting that this is a patron at your library. It's not the same as giving out the patron's address. You could probably get away with it, but you are disclosing the patron's information in a roundabout sort of way. Other reasons that I recommend not doing this are the Code of Ethics (MCA 2-2-103) which talks about public trust and public duty and the expectation that we won't use patron information for anything other than library services. Although the law primarily deals with how you might benefit from something you do as a public employee it also talks about the responsibility of protecting people's information. My standard is would I feel comfortable if I saw my actions in the paper, and I don't know that I would in this case. I think people would be taken aback at this situation. Finally I'm not sure that sending the letter would help in this situation. It might alienate the patron and cause you some headaches as people question your decision, and I'm not sure that the library in Wisconsin would receive their books anyway.

I can't find anything in the law that says you cannot do this, so you can disregard my advice if you want. This is a tough one because it would be nice to try and help the library in Wisconsin, but it raises some concerns. I think a lawyer could make an argument that you are disclosing patron information and that you are using that information for purposes other than the intent of the law which is why I recommend not forwarding a letter to the patron. I was channeling Bob Cooper on this question and can hear him saying "it's always good to encourage people to follow the spirit of the law, not just the letter of the law." Does this help? -Tracy