

Using Patron Lists for Fund Drives

Initial question from librarian: When our library trustees send out an annual fund raiser solicitation letter to community members, may they use our patron list for addresses? In reading the Confidentiality Act, it was interpreted that we would not be disclosing any information or to a third party.

Do other libraries use their patron lists? We want to be legal but want to add more names to our fund drive list. Please advise.

Response from Bob Cooper – February 20, 2009

Yours is a very important question and I am glad you asked it. I need to keep this very simple because I see no wiggle room in this matter. The answer is a definitive no, patron information is confidential, period. Such information cannot be shared outside the realm of the provision of direct library services or beyond librarians and staff bound by the same legal imperative (i.e. MSC Partner library staff). Any librarian that shares a patron list with a foundation or friends group or uses such information for fundraising purposes is putting both themselves and the library board at risk. Attorney Brian Close informed me at one time that such a misjudgment would likely cost the persons involved in excess of \$10,000 should legal recourse by one or more affected parties be successfully pursued, not to mention threatening the library's credibility, image, and public trust. I have addressed this exact issue in every Fall Workshop, MLA, Federation or other venue of library law workshop I have given over the years and will continue to do so at every opportunity. This particular law is precise and clear in its language and is not one to be taken loosely or lightly. Thus, I strongly advise that when it comes to patron identifying information, except when clearly allowed (1. with specific written patron consent, or 2. to the extent necessary to collect fines, or 3. as directed by order of an appropriate court) you do something very foreign to a librarian, do not share the information! Despite this strong stand, I am quite willing to discuss this subject further should you have additional related questions.

Follow-up question from trustee - Thank you for your research. I suggest that you ask Mr. Cooper how a library should develop a mailing list. Are we the only library in the state that conducts a mail campaign to raise money? Are we violating the state law by asking library patrons to give money? We do know that many of the people on the list are patrons. Do we have to give up our annual letter?? Or is this a case of "Don't ask and don't tell"

Response from Bob Cooper – February 26, 2009

It is not illegal to ask anyone to contribute money to the library, library patron or not. Libraries statewide do it all the time. If the individual contact information came from a source other than the library patron list then it is coincidental that the person is also a library patron. However, the method by which you obtained the contact information for a library patron and that you, not the individual, is identifying he or she as a library patron, is where the problems arise. Additionally, I do not feel it would be in compliance with the law to compare names on a fundraising list (gathered from other appropriate sources) with names on the confidential library patron list to determine who is a library patron and who is not.

There are a several ways to build a mailing list that could be legally used for fundraising purposes. You can run a newsletter or friends sign-up campaign where individuals voluntarily provide you their names and contact information. Just make sure the sign-up form indicates how the information may be used and that it is not-related to confidential library patron records. Friends or volunteer lists can be used as long as the information for the lists was not drawn from patron records in the first place. Every time you run a fundraiser (drawings and silent auctions as allowed under Montana law work well), program, or

community event, request that participants voluntarily sign-in, again with the informed disclaimers noted above.

People who contribute to one community cause, are likely to contribute to others. Thus, contributor or member lists from other organizations or events, if you can get them, are great to have. On occasion, these can be harvested from annual reports or right out of the newspaper. For those library patrons who manage not to show up on your fundraising list developed from using the above strategies, you have to hope to reach them via general appeals through fundraising announcements in the newspaper or wherever else you publicize that the library is trying to raise money or has unmet needs. Over time, you should be able to build a very effective and legal fundraising list; building and maintaining such a list is hard work, but can really pay off.

Another point I would suggest you consider is how important it is that there be extensive visibility of the library's needs and easy mechanisms in place for citizens to help the library meet those needs. Across Montana, we continue to see significant donations coming to individual libraries from current and former community members, some of whom were never a patron of the library. When they became aware of the library's need, or they decided to leave behind a personal legacy that would benefit their community, the library they never set foot in benefited. Visibility is vital to create opportunity. Hope this helps.