



PROCEDURE

Title: Confidentiality of Patron Records

Number: LS-15

Cancel: May 19, 2021

Approved: May 16, 2024

Review: May 16, 2027

I. PURPOSE AND SCOPE

To ensure that patron records are kept confidential within the requirements of law and establish a procedure for dealing with requests for confidential information.

II. DEFINITIONS AND REFERENCES

- A. Department Director or Library Services Director – Director of the Brevard County Library Services Department.
- B. Library Director – a director of one of the seventeen (17) libraries comprising the Library System.
- C. Patron – any individual using a Brevard County Library.
- D. Chapter 119, Florida Statutes – Public Records.
- E. Chapter 257, Florida Statutes – Public Libraries and State Archives.
- F. Section 257.261, Florida Statutes - Library Registration and Circulation Records.
- G. Internet – the combination of resources from websites, library catalogs, e-mail systems and other computerized sources of information as provided through a common interface.
- H. Brevard County Library Confidentiality Form-2015.

III. FUNDAMENTAL PRINCIPLES

- A. Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This includes librarians, library staff, library workers efforts to protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted.
- B. In Florida, library records are confidential and may not be disclosed under the laws governing open records unless certain criteria or exceptions are met (Florida Statutes Chapter 119 and 257.261).
- C. Brevard County Library Services Department intends to fully comply with legal requests for confidential records, with the understanding that confidential library records should not be released or made available in any format to a federal agent, law enforcement officer, or other person unless an order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records.
- D. In the case of a library patron less than 16 years of age and, only for the purpose of collecting fines or recovering overdue items, the library may disclose information to the parent or guardian of that patron named in the records.

IV. GENERAL GUIDELINES

- A. The Library Services Director shall designate the person or persons who will be responsible for handling requests for confidential library records, including those of the custodial Circulation system and Internet records. In most circumstances, it will be the Library Director for the specific library where the request originated. If the Library Director is unavailable, staff should contact the office of the Library Services Director.
- B. All library staff, including volunteers, shall be trained on the libraries' procedure for handling requests for confidential library records and sign with staff witness the BCL Confidentiality Form-2015.

V. LAW ENFORCEMENT REQUESTS

- A. Staff should immediately ask for identification if they are approached by an agent or officer, and then immediately refer the agent or officer to the Library Director or the Library Services Director. The Library Director or Library Services Director should consult with the County Attorney's office before making any decisions.
- B. Staff should understand that it is lawful to refer the agent or officer to the Library Services Director (or designee in the Library Service Director's absence) in charge of the library in order to ensure that Florida Statutes Chapter 119 and Florida Statute Section 257.261 are properly taken into consideration in responding to the request.

VI. Section 257.261, Florida Statutes, "Library Registration and Circulation Records"

- (1) All registration and circulation records of every public library, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. [119.07\(1\)](#) and from s. 24(a), Art. I of the State Constitution.
- (2) As used in this section, the term "registration records" includes any information that a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes all information that identifies the patrons who borrow particular books and other materials.
- (3)(a) Except in accordance with a proper judicial order, a person may not make known in any manner any information contained in records made confidential and exempt by this section, except as otherwise provided in this section.
 - (b) A library or any business operating jointly with the library may, only for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library, disclose information made confidential and exempt by this section to the following:
 1. The library patron named in the records;
 2. In the case of a library patron less than 16 years of age, the parent or guardian of that patron named in the records;
 3. Any entity that collects fines on behalf of a library, unless the patron is less than 16 years of age, in which case only information identifying the patron's parent or guardian may be released;
 4. Municipal or county law enforcement officials, unless the patron is 16 years of age, in which case only information identifying the patron's parent or guardian may be released; or
 5. Judicial officials.
- (4) Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

VII RESERVATION OF AUTHORITY

The authority to issue or revise this procedure is reserved to the Department Director.



Wendi Bost, Library Services Director

Approved by the Brevard County Library System Board: May 16, 2024