

# **CONFIDENTIALITY OF LIBRARY RECORDS POLICY**

The Oshkosh Public Library Board of Trustees and administration affirm that the reading activities and interests of library users are private and protected under the “right to read” guaranteed by the First Amendment. Any invasion of this privacy without a direct and legitimate need violates users’ personal rights. The Board and administration also adhere to Wisconsin State Statute 43.30, which states:

**43.30(1m) Public library records.** Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library’s documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 ... to libraries ... or to law enforcement officers [seeking access to information produced by a surveillance device].

The Board interprets “records” to include all transactions linking individuals with specific materials or services, such as interlibrary loan forms, reference questions, or electronic records.

The library’s automated circulation system does not maintain a historical record of borrowed items. Borrowing records are automatically cleared upon the return of undamaged, non-overdue materials. Records retained include only those for items currently checked out, overdue, damaged, or otherwise delinquent.

In compliance with Wisconsin Statute 43.30(4), the Oshkosh Public Library considers patrons aged 16 or older as entitled to the same privacy rights as adults regarding their library records, except in cases of lost or delinquent materials for which parents or guardians are financially responsible.

**43.30(4) Public library records.** Upon request, a custodial parent or guardian of a child under 16 may access that child’s library records. Employees may permit such access only upon presentation of the child’s library card and corroborating identification confirming the requester’s relationship to the child.

Transaction details (e.g., titles, items checked out, overdue status) will be disclosed via phone only if the caller provides the child’s full name, address, phone number, date of birth, and library card number.

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Patrons may access only their own transaction records or those of their minor children under 16. Library staff will not disclose a patron's transaction information to another patron over the age of 16, except when parents or guardians inquire about lost or delinquent materials for which they are financially responsible. In such cases, proper identification establishing a clear parental or guardian relationship to the minor child and the minor's library card are required.

Requests from law enforcement officials for circulation or other information-seeking transaction information should be referred to the Library Director or the ranking management staff member on duty. Costs incurred from court-ordered searches may be billed to the requesting agency.

While the library protects user privacy and requires legal authorization before sharing records, this policy does not preclude administration from reporting patrons engaged in illegal or dangerous activities to caregivers, guardians, or law enforcement to ensure safety and order within the library and, as per Wisconsin Statute 43.30(5), sharing images or information gathered by surveillance devices in the library building or upon the grounds and premises.

As a condition of employment, library employees must maintain confidentiality about patron reading and research activities in both formal duties and informal conversations.

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