



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

DISCLOSURE OF LIBRARY RECORD

**House Bill 4827 as introduced
First Analysis (9-26-95)**

**Sponsor: Rep. Harold S. Voorhees
Committee: Local Government**

THE APPARENT PROBLEM:

The Library Privacy Act says that a library record is not subject to the disclosure requirements of the Freedom of Information Act. Unless ordered by a court, a library or an employee or an agent of a library cannot release or disclose a library record or portion of a library record without the written consent of the person identified in the record. This means that a library cannot tell parents what books a child has checked out on his or her own card. Some people believe parents ought to given such information. Typically, when a child gets a library card, a parent signs a statement accepting responsibility for the materials that will be checked out. Yet, if a book becomes overdue, librarians are not supposed to inform the parents of the title of the book (without the written permission of the cardholder)! Legislation has been introduced that would make disclosure of library records up to the person who is liable for returning the materials or paying for them rather than the person named on the library card.

THE CONTENT OF THE BILL:

The bill would amend the Library Privacy Act to require, for release or disclosure of a library record or portion of a library record, the written consent of the person "liable for payment for or return of the materials identified in that library record."

MCL 397.603

FISCAL IMPLICATIONS:

The bill has no cost or revenue impact, according to the House Fiscal Agency. (Fiscal Note dated 9-21-95)

ARGUMENTS:

For:

It seems only right that parents who are ultimately responsible for the books and other materials that

their children borrow from libraries should have access to their children's library records. Currently, that is not the case. If a child uses his or her own card, information related to that card can only be released with the written consent of the child. Parents ought to guide their children's reading habits and help develop their values. Not only should parents have the right to know their children's library records, simply as a matter of family administration, but if materials are overdue, release of the titles in question will make it easier to locate them.

Response:

Librarians have sought to modify the library record privacy requirements themselves in a recent legislative proposal, but the emphasis has always been on the recovery of overdue or lost materials. This bill does not address itself only to those cases. This bill at least restricts the release of information to the person financially responsible for the borrowed materials; any further expansion should be resisted. It should be remembered that the law itself was enacted to protect the borrower's right to privacy.

POSITIONS:

A representative from the Michigan Decency Action Council testified in support of the bill. (9-20-95)

A representative from the Michigan Library Association testified that the association was not opposed to the bill if not amended. (9-20-95)

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