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DEFINITION OF LIBRARY RECORD

House Bill 4146 as introduced
First Analysis (4-23-97)

Sponsor: Rep. Thomas Kelly
Committee: Local Government

THE APPARENT PROBLEM:

The Library Privacy Act exempts a "library record" from the Freedom of Information Act, and says a library or employee or agent of a library cannot release or disclose a library record without the written consent of the person liable for payment for or return of the materials identified in the record, unless ordered by a court after a hearing. The act defines a library record as "a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific materials from a library." This protects library patrons from having information about their reading selections become publicly available information. However, there is nothing that protects other kinds of information from disclosure, such as a library patron's name, address, or telephone number. Presumably, a person could request this kind of information from a library and could not be denied it. Some people are concerned about this as a privacy issue. The ability to gain access to information about people and make it widely available has grown enormously in recent years. It is the downside to the information revolution epitomized by such instruments as the Internet.

Testimony before the House Local Government Committee cited a recent magazine article revealing that a television reporter in Los Angeles in 1996 sent an information service a money order and a request for information in the name of an infamous child kidnapper and murderer (Richard Allen Davis, the murderer of 12-year-old Polly Klaas) and received in return a list of 5,000 children's names, ages, phone numbers, and addresses, "no questions asked." Legislation has been introduced to prevent the release of personal information about library patrons.

THE CONTENT OF THE BILL:

The bill would amend the Library Privacy Act to modify the definition of "library record" so that it would apply to "a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron's name, address, or telephone number, or that identifies a person as having requested

or obtained specific materials from a library." (The underlined portion is the new language.)

Under the act, a library record is not subject to the disclosure requirements of the Freedom of Information Act, and, unless ordered by a court, a library or an employee or agent of a library cannot release or disclose a library record or portion of a library record without the written consent of the person liable for the return of materials or liable for payment for the materials identified in the library record.

MCL 397.602

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no fiscal impact. (Fiscal Note dated 4-9-97)

ARGUMENTS:

For:

The bill would allow libraries to protect the privacy of their patrons by withholding certain basic information from public access; namely, the names, addresses, and phone numbers of library customers. This is not intended to interfere with the legitimate use of such information in the search for overdue material by library officials and agents of libraries.

POSITIONS:

The Michigan Library Association has indicated its support for the bill. (4-15-97)

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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