

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4146 (as reported without amendment)
Sponsor: Representative Thomas Kelly
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

Date Completed: 12-4-97

RATIONALE

Under the Library Privacy Act, a library record is exempt from the Freedom of Information Act, and library employees are prohibited from disclosing someone's library record without his or her consent or a court order. The Act defines "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. "Library record" does not include nonidentifying material that may be retained for studying or evaluating the circulation of library materials in general. While the exemption protects library patrons from having information about their reading selections being made available to the public, it does not protect from disclosure other information a library may have about patrons, such as their names, addresses, or telephone numbers. Some people are concerned that personal information about library patrons, including children, could be subject to public disclosure, and they believe that access to this information through a library's records should be restricted.

CONTENT

The bill would amend the Library Privacy Act to revise the definition of "library record" to include information that personally identified a library patron, including a patron's name, address, or telephone number.

MCL 397.602

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Act currently prohibits libraries from disclosing to the public information about materials a patron has checked out of a library. The bill would extend

the privacy protection of a library patron's record to his or her name, address, and phone number. While library officials still could use personal information to contact persons about overdue library materials, for example, the public could not obtain the information under the Freedom of Information Act. The ability to gain access to information about individuals and to make it widely available has grown in recent years. Some people are concerned that personal information about a library's patrons, especially children, could be released and used inappropriately.

Response: While the fear that personal information about library customers could get into the wrong hands is understandable, there is concern that the bill could prohibit the legitimate use of this information. Library officials note that this information has been used by supporters of a local library who send newsletters about library activities to patrons of that library. In other instances, persons on both sides of a library millage campaign reportedly have obtained patrons' addresses to mail information supporting or opposing a proposed millage. Most libraries have policies on the disclosure of this information and would not release information about a patron's identity to everyone who asked for it.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

H9798\S4146A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.