

MENTOR PUBLIC LIBRARY
CONFIDENTIALITY OF CIRCULATION RECORDS POLICY (2000.00 PUBLIC RECORDS)

Overview of the Public Records Law

Ohio's Public Records Law (R.C. 149.43) generally requires every public office to prepare promptly all public records and make them available for inspection at all reasonable times during regular business hours. Upon request and within a reasonable period of time, a public office or person responsible for public records generally must make copies available at cost. (R.C. 149.43(B)(1).)

Exception pertaining to Library Records and Patron Information

Ohio Law contains an exception to the Public Records law prohibiting public libraries from releasing any "library record" or disclosing any "patron information" except in certain specified situations. (R.C. 149.432.)

"Library record" is defined to include a record in any form that is maintained by a library and that contains any of the following types of information.

- Information that the library requires an individual to provide in order to be eligible to use library services or borrow materials;
- Information that identifies an individual as having requested or obtained specific materials or materials on a particular subject; or
- Information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject.

However, the definition of "library record" does not include information that does not identify any individual and that is retained for the purpose of studying or evaluating the use of a library and its materials and services. (R.C. 149.432 (A)(2).)

The Library may be required to release a library record or disclose patron information only in the following situations (R.C. 149.432(B)):

- If a library record or patron information pertaining to a minor child is requested from a library by the minor child's parent, guardian, or custodian;
- In accordance with a subpoena, search warrant, or other court order;
- At the request of a law enforcement officer who is acting in the scope of the officer's law enforcement duties and who is investigating a matter involving public safety in exigent circumstances;
- Upon the request of with the consent of the individual who is the subject of the record or information;

- For administrative library purposes, including establishment or maintenance of a system to manage the library records or to assist in the transfer of library records from one records management system to another, compilation of statistical data on library use, and collection of fines and penalties; or
- If the records document improper use of the internet at the library, so long as any patron information is removed from those records (for purposes of this exception, “patron information” does not include information about the age or gender of an individual).

In the case of a subpoena or other process of law, such process shall be transmitted to the Executive Director on behalf of the Board of Trustees. The Executive Director shall thereupon release such information in compliance with such process or seek judicial or administrative relief.

Providing the Requested Data (2003.00)

If a requester makes an ambiguous or overly broad request, or has difficulty in making a request for copies or inspection of public records such that the library personnel cannot reasonably identify what public records are being requested, the library may deny the request, but must provide the requester with an opportunity to revise the request by informing the requestor of the manner in which records are maintained and accessed by the library in the ordinary course the library’s duties.

Libraries, are, however, permitted to ask a requester to make the request in writing, to ask for the requester’s identity, and to inquire about the intended use of the information requested, but only after disclosing to the requester that a written request is not mandatory, and that the requester may decline to reveal the requester’s identity or the intended use; and, only when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the library to identify, locate, or deliver the public records sought by the requester. (R.C. 149.43(B)(2).)

Libraries may, however, require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by requester. In addition, libraries are not required to allow the requester to actually make the copies of the public record. (R.C. 149.43(B)(6).)

When it becomes necessary for the Library to collect fines on or seek the return of library materials, the confidentiality shall be deemed waived with respect to such overdue fines or non returned items.

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