CONTRA COSTA COUNTY LIBRARY COMMISSION
AGENDA ATTACHMENT 8

MEETING DATE: Thursday, July 28, 2011

AGENDA ITEM #: 12 D

ITEM: SENATE BILL 445

RECOMMENDED ACTION:

Commissioners will learn about SB 445.
July 13, 2011

TO: CLA MEMBERS/ SYSTEMS/ NETWORK CONTACTS

FROM: Mike Dillon, CLA Lobbyist
       Christina DiCaro, CLA Lobbyist

RE: News From The Capitol

GOVERNOR SIGNS BILL TO PROTECT LIBRARY PATRON RECORDS

We are pleased to report that on Tuesday afternoon Governor Jerry Brown signed SB 445 by Senator Joe Simitian, which will ensure that written and electronic patron use information and borrowing records are confidential, and are restricted from disclosure by a public library or a third party that stores information for the library. The law was needed to update the current circulation of records laws to acknowledge the use of modern technology in libraries. For example, many libraries report that they regularly receive reference requests via email and text from patrons seeking materials, and thus these types of transactions, as well as other information necessary to be kept on a patron (address, phone number, books and materials that were checked out, etc.) would be securely held by the library and not eligible for disclosure. Lastly, the bill also recognizes the important privacy needs of patrons who use the library for services such as literacy programs, credit repair, etc. These “class records” would also be prohibited from disclosure.

The bill’s outstanding author, Senator Joe Simitian, received a call from the Governor’s Office Tuesday afternoon, informing him of the news that the Governor had signed SB 445. In a press release issued by the Senator late yesterday, he said he was “gratified” by the Governor’s signature. The Senator added, “With every passing day, in so many ways, our personal privacy is being steadily eroded. This new law ensures that when we step into the library, virtually or otherwise, our privacy remains protected.” For those of you tracking such things, the new law will be reflected in Chapter 80, Statutes of 2011, and will be effective January 1, 2012. A special “thank you” to Governor Brown, Senator Simitian, the bill’s sponsor, Mary Minow, and representatives from CLA – Jane Light, Derek Wolfgram, Melinda Cervantes, Jan Sanders, and Deborah Doyle – who assisted our office as the bill worked its way through the process.

LEGISLATURE TO DEPART FOR SUMMER RECESS

For CLA members who may be watching developments in the legislature, such as AB 438 by Assemblyman Das Williams (use of private contractors for library services), the legislature will be taking a month-long recess commencing this Friday, July 15th. The legislature is able to depart on its Summer break usually only when they have successfully passed a state Budget, as they did a few weeks ago. The legislature will return on Monday, August 15th to tackle a robust and compressed calendar of hundreds of bills, prior to the end of the session on midnight on Friday, September 9th.
Senate Bill No. 445

CHAPTER 80

An act to amend Section 6267 of the Government Code, relating to public records.

[Approved by Governor July 11, 2011. Filed with Secretary of State July 12, 2011.]

LEGISLATIVE COUNSEL’S DIGEST


The California Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of any person, to provide a copy of any public record unless the record is exempt from disclosure. The act provides that all registration and circulation records of any library which is in whole or in part supported by public funds are confidential and shall not be disclosed to any person, except as provided.

This bill would, instead, provide that patron use records, as defined, of any library which is in whole or in part supported by public funds shall remain confidential and not be disclosed, except as provided.

The people of the State of California do enact as follows:

SECTION 1. Section 6267 of the Government Code is amended to read:

6267. All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term “patron use records” includes the following:

(1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron’s name, address, telephone number, or e-mail address, that a library patron provides in order to become eligible to borrow or use books and other materials.

(2) Any written record or electronic transaction that identifies a patron’s borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records,
and any other personally identifiable uses of library resources information requests, or inquiries.

This section shall not apply to statistical reports of patron use nor to records of fines collected by the library.