

The circulation records and borrowers application files of the library are confidential. Such records shall not be made available, except to the patron; to any person with the informed, written consent of the patron given at the time the disclosure is sought; or to law enforcement agencies or civil court, pursuant to a search warrant. Circulation records include any information in any format that identifies a patron as having requested, used or obtained library materials.

If a staff member is presented with a request for patron records by other than the patron, a supervisor shall be notified immediately. The supervisor will make the decision to comply or not, based on the 2010 Arkansas Code, Chapter 2, Subchapter 7. An incident report must be filed as soon as possible after the request.

**2010 Arkansas Code**  
**Title 13 - Libraries, Archives, and Cultural Resources**  
**Chapter 2 - Libraries**  
**Subchapter 7 - Confidentiality of Patrons' Records**  
**§ 13-2-701 - Definitions.**

**13-2-701. Definitions.**

As used in this subchapter:

(a) "Confidential library records" means documents or information in any format retained in a library that identify a patron as having requested, used, or obtained specific materials, including, but not limited to, circulation of library books, materials, computer database searches, interlibrary loan transactions, reference queries, patent searches, requests for photocopies of library materials, title reserve requests, or the use of audiovisual materials, films, or records; and

(b) "Patron" means any individual who requests, uses, or receives services, books, or other materials from a library.

**13-2-702. Penalty.**

(a) Any person who knowingly violates any of the provisions of this subchapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars (\$200) or thirty (30) days in jail, or both, or a sentence of appropriate public service or education, or both.

(b) No liability shall result from any lawful disclosure permitted by this subchapter.

(c) No action may be brought under this subchapter unless the action is begun within two (2) years from the date of the act complained of or the date of discovery.

**13-2-703. Disclosure prohibited.**

WILLIAM F. LAMAN PUBLIC LIBRARY SYSTEM  
PUBLIC SERVICES

VI.3

CONFIDENTIALITY OF PATRONS' RECORDS

**(a)** Library records which contain names or other personally identifying details regarding the patrons of public, school, academic, and special libraries and library systems supported in whole or in part by public funds shall be confidential and shall not be disclosed except as permitted by this subchapter.

**(b)** Public libraries shall use an automated or Gaylord-type circulation system that does not identify a patron with circulated materials after materials are returned.

**13-2-704. Disclosure permitted.**

A library may disclose personally identifiable information concerning any patron to:

- (1)** The patron;
- (2)** Any person with the informed, written consent of the patron;
- (3)** A law enforcement agency or civil court, under a search warrant; or
- (4)** Any person, including without limitation the patron, who has received an automated telephone notification or other electronic communication for overdue materials or reserve materials if the person making the request can verify the telephone number or email address to which the notice was sent.

**13-2-705. Construction -- Statistics.**

**(a)** No provision of this subchapter shall be construed to prohibit any library or any business operating jointly with a library from disclosing information for the purpose of:

- (1)** Collecting overdue books, documents, films, or other items or materials owned or otherwise belonging to the library;
- (2)** Collecting fines on overdue books, documents, films, or other items or materials; and
- (3)** Contacting its patrons by telephone, mail service, or other medium for the purpose of notifying, informing, and educating patrons or otherwise promoting the legitimate programs, policies, and other interests of the library.

**(b)** Aggregate statistics shown from registration and circulation records with all personal identification removed may be released or used by a library or library system for research or planning purposes.

**13-2-706. Use of information in evidence.**

Personally identifiable information obtained in any manner other than as provided in this subchapter shall not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or political subdivision of the state.