Guideline 201 - Confidentiality of Library Records

Maryland State law directs that a "... free association, school, college or university library in this state shall prohibit inspection, use, or disclosure of any circulation record or other item, collection, or grouping of information about an individual that:

1. is maintained by a library,
2. contains an individual's name or the identifying number ... assigned to the individual; and
3. identifies the use a patron makes of that library's materials, services, or facilities."

The only legally permissible exception is if a record is used or disclosed "in connection with the library's ordinary business ... and only for the purposes [it] was created." Examples might include fines transmitted to the Business Office for collection or providing a user with their own loan information.

Other requests for information should be declined. Such requests might include but not be limited to:

1. A faculty member asks which students have signed out reserve items, or
2. A staff member volunteers to a patron that another person is working on a particular topic of library research

Information may be released to a law enforcement official who presents a lawful court order, subpoena or search warrant. All law enforcement officials should offer appropriate identification before presenting any court orders. Federal Officials may reference USA PATRIOT Act and request confidentiality regarding their inquiry. Federal law enforcement agents (such as the FBI) have been requested to contact the UMBC Legal Office BEFORE visiting a campus venue. If they follow that protocol, the Legal office will call to tell the campus venue that a law enforcement official is on the way and to advise on how to respond to their inquiry. If a staff member is approached by someone claiming to be a law enforcement official and asking to see Library records that staff member should:

- Contact supervisor or other staff member to assist.
- Ask to see law enforcement identification and any court order.
- Inquire whether the official has spoken with the UMBC Legal Office. If not- call the UMBC Legal Office at x51904 or x51853 and request further instructions and advice.
- If you have reason to suspect that something is not in order, or you cannot reach a UMBC lawyer, contact Campus Police to request that an officer come to the Library to assist. The Campus Police officer can verify the law enforcement agent(s)' identification and court order.
- At the earliest opportunity, notify the Director or the Librarian designated by the Director to be in charge of the Library for that day. If the Director or designated Librarian in charge is not present, contact or ask the campus police to contact the UMBC Legal Office, the Provost's Office, or an appropriate UMBC official on the police emergency call list.
- Cooperate with law enforcement officers if they are in the normal exercise of their duties. It is unlawful to interfere with or hinder the execution of a search warrant or to obstruct justice.
- Provide the requested information, including passwords for database access if passwords are included within the scope of the court order. (Typically they are).
- Complete an Incident report form, unless directed otherwise by law enforcement officers, and deliver that form to the Director of the Library in a sealed envelope.

References:

Annotated Code of Maryland, Education Article § 23-107 (2002)*

* text of Annotated Code of Maryland, Education Article § 23-107. Circulation records:

(a) Inspection, use, or disclosure prohibited.- Subject to the provisions of subsection (b) of this section, a free association, school, college or university library in this State shall prohibit inspection, use, or disclosure of any circulation record or other item, collection, or grouping of information about an individual that:

(1) is maintained by a library;

(2) Contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and

(3) Identifies the use a patron makes of that library's materials, services, or facilities.

(b) Exceptions.- A free association, school, college, or university library in the State shall permit inspection, use, or disclosure of the circulation record of an individual only in connection with the library's ordinary business and only for the purposes for which the record was created. [1988, ch. 233; 1990, ch. 635.] (end of text from Annotated Code of Maryland)

USA PATRIOT Act

guideline effective July 1, 1988; rewritten 3/27/92, 4/22/03, 6/6/03 LW, edited LW 8/2/12 to include text of Annotated Code of MD.

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